

Brian A. Knutsen, WSBA No. 38806
Jessica Durney, WSBA No. 57923
KAMPMEIER & KNUTSEN, PLLC
1300 S.E. Stark Street, Suite 202
Portland, Oregon 97214
Tel.: (503) 841-6515 (Knutsen)
(206) 739-5184 (Durney)
Email: brian@kampmeierknutsen.com
jessica@kampmeierknutsen.com

Simone Anter, WSBA No. 52716
COLUMBIA RIVERKEEPER
1125 S.E. Madison Street, Suite 103A
Portland, Oregon 97214
Tel.: (541) 399-5312
Email: simone@columbiariverkeeper.org

Attorneys for Plaintiff Columbia Riverkeeper

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COLUMBIA RIVERKEEPER,

Plaintiff,

v.

NORTH PACIFIC PAPER COMPANY, LLC,

Defendant.

Case No. 3:22-cv-05123

COMPLAINT

I. INTRODUCTION.

1. This action is a citizen suit brought under section 505 of the Clean Water Act (“CWA”), 33 U.S.C. § 1365, as amended. Plaintiff Columbia Riverkeeper (“Riverkeeper”) seeks declaratory and injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys’ and expert witness fees for Defendant North Pacific Paper Company, LLC’s (“NORPAC”) repeated and ongoing violations of the terms and conditions of its National

1 Pollutant Discharge Elimination System (“NPDES”) permit authorizing discharges of pollutants
2 from NORPAC’s facility to waters of the United States, and of the requirements of the
3 Washington Department of Ecology (“Ecology”) Administrative Order No. 18227 issued to
4 NORPAC on August 7, 2020 (“Ecology Order”).

5 **II. JURISDICTION AND VENUE.**

6
7 2. This Court has subject matter jurisdiction under section 505(a) of the CWA, 33
8 U.S.C. § 1365(a) (CWA citizen suit provision), and 28 U.S.C. § 1331 (federal question).
9 NORPAC is in violation of an “effluent standard or limitation” as defined by section 505(f) of
10 the CWA, 33 U.S.C. § 1365(f), and “an order issued by . . . a State with respect to such a
11 standard or limitation,” 33 U.S.C. § 1365(a)(1). The relief requested herein is authorized by
12 sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365, and 28 U.S.C. §§ 2201
13 and 2202.
14

15 3. In accordance with section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A),
16 Riverkeeper notified NORPAC of its violations of the NPDES permit and the Ecology Order and
17 of Riverkeeper’s intent to sue under the CWA by letter dated and postmarked December 21,
18 2021 (“Notice Letter”). A copy of the Notice Letter is attached to this complaint as Exhibit 1.
19 Riverkeeper also notified the Administrator of the United States Environmental Protection
20 Agency (“EPA”), the Administrator of EPA Region 10, and the Director of Ecology by mailing
21 copies of the Notice Letter to those officials on December 21, 2021.
22

23 4. At the time of the filing of this complaint, more than sixty days have passed since
24 the Notice Letter and copies thereof were issued in the manner described in the preceding
25 paragraph.

26 5. The violations complained of in the Notice Letter are continuing and/or
27 reasonably likely to recur. NORPAC is in violation of its NPDES permit and the Ecology Order.
28

1 6. At the time of the filing of this complaint, neither the EPA nor Ecology has
2 commenced any action constituting diligent prosecution to redress the violations alleged in the
3 Notice Letter.

4 7. The source of the violations complained of is located in Cowlitz County,
5 Washington, within the Western District of Washington, and venue is therefore appropriate in
6 the Western District of Washington under section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1).
7

8 **III. PARTIES.**

9 8. Plaintiff Columbia Riverkeeper is suing on behalf of itself and its members.
10 Riverkeeper is a 501(c)(3) non-profit corporation registered in the State of Washington.
11 Riverkeeper's mission is to restore and protect the water quality of the Columbia River and all
12 life connected to it, from the headwaters to the Pacific Ocean. To achieve these objectives,
13 Riverkeeper implements scientific, educational, and legal programs aimed at protecting water
14 quality and habitat in the Columbia River Basin. This lawsuit is part of Riverkeeper's effort to
15 improve water quality in the Columbia River Basin for purposes including recreation; habitat
16 quality; and subsistence, recreational, and commercial fishing.
17

18 9. Riverkeeper has representational standing to bring this action. Riverkeeper has
19 over 16,000 members, many of whom reside in the vicinity of waters affected by NORPAC's
20 discharges of pollutants. Members of Riverkeeper use and enjoy the waters and the surrounding
21 areas that are adversely affected by NORPAC's discharges. Riverkeeper's members use these
22 areas for, *inter alia*, fishing, swimming, hiking, walking, photography, boating, and observing
23 wildlife. NORPAC has consistently violated the conditions of its NPDES permit, exceeded the
24 permit's benchmark pollutant discharge levels, and violated the conditions of the Ecology Order
25 aimed at ameliorating the NPDES permit violations. Riverkeeper has serious concerns about the
26 impacts of NORPAC's operations and pollution discharges on the Columbia River because the
27
28

1 discharges degrade water quality in the Columbia River Basin. The environmental, health,
2 aesthetic, and recreational interests of Riverkeeper's members have been, are being, and will be
3 adversely affected by NORPAC's violations of the NPDES permit and Ecology Order addressed
4 herein and by the members' reasonable concerns related to the effects of the violations and
5 pollutant discharges. These injuries are fairly traceable to the violations and redressable by this
6 Court.
7

8 10. Defendant NORPAC is a corporation organized and existing under the laws of the
9 State of Delaware, authorized to conduct business in Washington, and has a principal place of
10 business at 3001 Industrial Way, Longview, Washington, 98632-1057.

11 11. NORPAC owns and operates its industrial facility at or near 3001 Industrial Way,
12 Longview, Washington, 98632-1057 (hereinafter "the Facility").
13

14 IV. LEGAL BACKGROUND.

15 12. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of
16 pollutants by any person unless authorized under certain provisions of the CWA, including an
17 NPDES permit issued pursuant to section 402 of the CWA, 33 U.S.C. § 1342.

18 13. The State of Washington has established a federally approved state NPDES
19 program administered by Ecology. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch. 173-
20 220. This program was approved by the Administrator of the EPA pursuant to section 402(b) of
21 the CWA, 33 U.S.C. § 1342(b).
22

23 14. Section 505(a) of the CWA, 33 U.S.C. § 1365(a), provides that any citizen may
24 commence a civil action against any person alleged to be in violation of an effluent standard or
25 limitation, or an order issued by a State with respect to such a standard or limitation. Section
26 505(f), 33 U.S.C. § 1365(f), defines "effluent standard or limitation" to include an NPDES
27 permit or condition of an NPDES permit. *See* 33 U.S.C. § 1341.
28

V. FACTS.

15. On July 17, 2019, Ecology issued to NORPAC an NPDES permit, no. WA0991016 (“the Permit”), which became effective on August 1, 2019. The Permit imposes terms and conditions, including numeric effluent limits on discharges of process wastewater, discharge benchmarks and adaptive management requirements for discharges of stormwater associated with industrial activities, monitoring and sampling requirements, reporting and recordkeeping requirements, and prohibitions on certain discharges. The Permit also requires that NORPAC develop and implement a Stormwater Pollution Prevention Plan (“SWPPP”) that includes appropriate best management practices (“BMPs”) and that applies all known and reasonable methods of pollution prevention, control, and treatment (“AKART”) to discharges of stormwater associated with industrial activity.

16. NORPAC discharges process wastewater to a wastewater treatment plant owned and operated by Nippon Dynawave Packing Company, which discharges to the Columbia River.

17. NORPAC discharges stormwater associated with industrial activity and other pollutants to the Columbia River and/or to Ditch No. 3 of the Consolidated Diking Improvement District No. 1, which discharges to the Columbia River, via stormwater conveyance systems.

18. NORPAC has violated the terms and conditions of its Permit. NORPAC’s violations of the Permit are set forth in section II of the Notice Letter, attached hereto as Exhibit 1 at 2–20, and are incorporated herein by this reference. In particular, and among the other violations described in the Notice Letter, NORPAC has violated the Permit by exceeding the Permit’s numeric effluent limitations, failing to complete the required corrective actions after triggering specific benchmark exceedances, discharging process wastewater, failing to properly monitor and report discharges, failing to develop and implement a SWPPP with adequate BMPs to control stormwater quality, and failing to timely submit complete and accurate reports.

1 19. The Ecology Order was issued on August 7, 2020 in an effort to require that
2 NORPAC comply with the conditions of the Permit and to otherwise comply with applicable
3 CWA standards and limitations. The Ecology Order required, *inter alia*, that NORPAC develop
4 and implement a plan to evaluate and characterize stormwater discharges and prepare and submit
5 an updated application for an NPDES permit.
6

7 20. NORPAC has violated the requirements of the Ecology Order. NORPAC's
8 violations of the Ecology Order are set forth in section III of the Notice Letter, attached hereto as
9 Exhibit 1 at 20–21, and are incorporated herein by this reference. In particular, and among the
10 other violations described in the Notice Letter, NORPAC failed to timely develop and implement
11 a plan to evaluate and characterize stormwater discharges that met the requirements of the
12 Ecology Order.
13

14 **A. NORPAC'S Violations of the Permit.**

15 **Violations of the Permit's Numeric Effluent Limitations.**

16 21. The Permit requires that NORPAC's discharges at Outfall 001A (to the Nippon
17 Dynawave Packing Company's wastewater treatment plan) comply with specific numeric
18 effluent limitations. Specifically, the discharges must meet average monthly and maximum daily
19 limits for Biochemical Oxygen Demand ("BOD") and Total Suspended Solids ("TSS"), and
20 discharges must comply with minimum and maximum limits on pH.
21

22 22. NORPAC has repeatedly violated these effluent limitations, and continues to do
23 so, as detailed in section II.A of the Notice Letter, attached hereto as Exhibit 1 at 2–5, which is
24 incorporated herein by reference. Further, attached hereto as Exhibit 2 is a table summarizing
25 these violations.
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27
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Violations of the Permit's Corrective Action Requirements.

23. The Permit requires that NORPAC implement specified corrective actions when its discharges of stormwater associated with industrial activity exceed applicable benchmarks. The Permit requires that NORPAC include the corrective action in the discharge monitoring report ("DMR") that includes the benchmark exceedance.

24. NORPAC's discharges from the facility have repeatedly exceeded the applicable effluent benchmark values as detailed in section II.B of the Notice Letter, attached hereto as Exhibit 1 at 6–11. Further, attached hereto as Exhibit 3 is a table summarizing these benchmark exceedances.

25. The Permit requires NORPAC to complete a Level 1 Corrective Action each time it exceeds one of the applicable benchmarks identified above at Outfall 002A or Outfall 003A. For a Level 1 Corrective Action, the Permit requires NORPAC to (1) conduct an inspection to investigate the cause of the benchmark exceedance; (2) review the SWPPP for the facility to ensure that it fully complies with Special Condition S12 of the Permit—the requirements for an adequate SWPPP—and contains the correct BMPs; and (3) make appropriate revisions to the SWPPP to include additional Operational Source Control BMPs with the goal of achieving the applicable benchmark value in future discharges. Additionally, the Permit provides that corrective actions must be included in the DMR that includes that benchmark exceedance(s) and that the annual stormwater report required by the Permit must summarize the corrective actions.

26. NORPAC has triggered the Level 1 Corrective Action requirements for each benchmark exceedance as summarized in section II.B of the Notice Letter, attached hereto as Exhibit 1 at 6–11, and in the table attached hereto as Exhibit 3. NORPAC has violated the Level 1 Corrective Action requirements of the Permit described above by failing to timely conduct a Level 1 Corrective Action in accordance with Permit conditions, including the required

1 investigation; the required review of the SWPPP; the required revision of the SWPPP to include
 2 additional Operational Source Control BMPs; and the required summarization of the corrective
 3 action in the DMR and in the annual report each time since August 1, 2019 that discharges at
 4 Outfall 002A and Outfall 003A exceeded an applicable benchmark value, including each of the
 5 benchmark exceedances identified in section II.B of the Notice Letter, attached hereto as Exhibit
 6 1 at 6–11, and in the table attached hereto as Exhibit 3. These corrective action requirements, and
 7 NORPAC’s violations thereof, are described in section II.B.1 of the Notice Letter, attached
 8 hereto as Exhibit 1 at 11–12, and are incorporated herein by this reference.

10 27. The Permit requires NORPAC to complete a Level 2 Corrective Action each time
 11 it exceeds one of the applicable benchmarks identified above at Outfall 002A and Outfall 003A
 12 in any three months during a calendar year. For a Level 2 Corrective Action, the Permit requires
 13 NORPAC to (1) review the SWPPP and ensure it complies with Special Condition S12 of the
 14 Permit; (2) revise the SWPPP to include additional Structural Source Control BMPs with the
 15 goal of achieving the benchmark value in future discharges; and (3) install the Structural Source
 16 Control BMPs as soon as possible, but no later than August 31 of the following year.
 17 Additionally, the Permit provides that the annual stormwater report required by the Permit must
 18 summarize the corrective actions.

20 28. NORPAC has triggered the Level 2 Corrective Action requirements under the
 21 Permit for its benchmark exceedances as summarized in section II.B of the Notice Letter,
 22 attached hereto as Exhibit 1 at 6–11, and in the table attached hereto as Exhibit 3. NORPAC
 23 violated the requirements of the Permit described above by failing to timely conduct a Level 2
 24 Corrective Action in accordance with Permit conditions—including the required review of the
 25 SWPPP; revision of the SWPPP to include additional Structural Source Control BMPs;
 26 implementation of additional Structural Source Control BMPs; and summarization of the
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1 corrective action in the annual report—each time since and including August 2019 that its
2 discharges from Outfall 002A and Outfall 003A exceeded an applicable benchmark in any three
3 months during a calendar year. These corrective action requirements, and NORPAC’s violations
4 thereof, are described in section II.B.2 of the Notice Letter, attached hereto as Exhibit 1 at 12–
5 13, incorporated herein by this reference.
6

7 **Violations of the Prohibition Against Discharging Process Wastewater.**

8 29. The Permit authorizes NORPAC to discharge stormwater to the neighboring
9 company’s, Weyerhaeuser NR Company, stormwater system. However, the Permit prohibits the
10 discharge of process wastewater, including stormwater that is comingled with process
11 wastewater, to Weyerhaeuser NR Company’s stormwater system.
12

13 30. NORPAC violated these requirements by discharging overflow from a solid waste
14 pad to Weyerhaeuser NR Company’s stormwater system from December 1 to 3, 2019. Available
15 reports indicate that around 750 to 1,500 gallons of prohibited process wastewater were
16 discharged.
17

18 **Violations of the Monitoring and Reporting Requirements.**

19 31. The Permit establishes monitoring requirements for discharges from NORPAC’s
20 various outfalls. The Permit requires NORPAC report the results of discharge monitoring to
21 Ecology on DMRs.
22

23 32. NORPAC has violated these conditions each and every time it has failed to collect
24 and analyze discharge samples and report the results to Ecology in compliance with the
25 requirements of the Permit. These Permit requirements, and NORPAC’s violations thereof, are
26 described in section II.D of the Notice Letter, attached hereto as Exhibit 1 at 13, incorporated
27 herein by this reference. Further, attached hereto as Exhibit 4 is a table summarizing NORPAC’s
28 violations of the Permit’s discharge monitoring requirements.

1 33. The Permit requires NORPAC to submit monthly DMRs by the 15th day of the
2 following month. NORPAC violated the Permit each instance that it failed to timely submit its
3 monthly DMRs, including but not limited to the April 2021 DMR.

4 34. The Permit requires NORPAC to submit quarterly DMRs by the 15th day of the
5 month following the monitoring period. NORPAC violated the Permit each instance that it failed
6 to timely submit its quarterly DMRs, including but not limited to the Fourth Quarter of 2020 and
7 the First Quarter of 2021.

8 35. The Permit requires NORPAC to report a spill of oil or hazardous materials in
9 accordance with RCW 90.56.280 and WAC 173-303-145, which requires immediate notification
10 to multiple parties, immediate mitigation and control, and clean-up efforts. *See* WAC 173-303-
11 145(1) through (3). NORPAC had hazardous spill incidents on April 22, 2020, February 15,
12 2021, March 16, 2021, and May 21, 2021. NORPAC violated the requirements discussed above
13 for each of these spill incidents, including the requirements to immediately notify Ecology and
14 complete the necessary mitigation, control, and clean up.

15
16
17 **Violations of the Operations and Maintenance Manual Requirements.**

18 36. The Permit requires NORPAC to prepare an Operations and Maintenance
19 (“O&M”) Manual intended to ensure compliance with the Permit that meets specific
20 requirements. NORPAC must submit the O&M Manual to Ecology by February 1, 2020, review
21 the O&M Manual annually and provide confirmation of review yearly by February 1 to Ecology,
22 submit to Ecology for review and approval any substantial changes or updates to the O&M
23 Manual, keep the O&M Manual at the facility, and follow the O&M Manual at all times.

24 37. NORPAC has violated the Permit by failing to timely develop and/or implement
25 an O&M Manual that meets the Permit’s requirements. These Permit conditions and NORPAC’s
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1 violations thereof are described in section II.E of the Notice Letter, attached hereto as Exhibit 1
2 at 14, and are incorporated herein by this reference.

3 38. The Permit requires NORPAC to prepare and implement a Slug Discharge
4 Control Plan the meets specific requirements to help minimize the potential of a slug discharge
5 from the Facility. NORPAC must submit the Slug Discharge Control Plan to Ecology by August
6 1, 2020 and review the plan and update it as needed. NORPAC has violated the Permit by failing
7 to timely develop and/or implement a Slug Discharge Control Plan that meets the Permit's
8 requirements. These Permit conditions and NORPAC's violations thereof are described in
9 section II.E of the Notice Letter, attached hereto as Exhibit 1 at 14–15, and are incorporated
10 herein by this reference.
11

12 39. The Permit requires NORPAC to prepare and implement a wastewater treatment
13 plan impact study that meets specific requirements. NORPAC has violated the Permit by failing
14 to timely develop and/or implement a wastewater treatment plan impact study that meets the
15 Permit's requirements. These Permit conditions and NORPAC's violations thereof are described
16 in section II.E of the Notice Letter, attached hereto as Exhibit 1 at 15, and are incorporated
17 herein by this reference.
18

19 **Violations of the SWPPP Requirements.**

20 40. NORPAC's extensive violations of the Permit and its repeated exceedances of the
21 Permit's benchmarks indicate that NORPAC is failing to develop and implement a SWPPP that
22 fully complies with the Permit and that NORPAC is otherwise failing to apply AKART to its
23 discharges.
24

25 41. Upon information and belief, NORPAC is in violation of the Permit by not
26 developing and/or implementing a SWPPP that fully complies with the Permit and by not
27
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1 applying AKART to discharges. These violations include NORPAC's failure to conduct and
2 document visual inspections as required by the Permit.

3 42. The Permit's SWPPP requirements, and NORPAC's violations thereof, are
4 described in section II.F of the Notice Letter, attached hereto as Exhibit 1 at 15–18, and are
5 incorporated herein by this reference.
6

7 **Violations of the Annual Report Requirements.**

8 43. The Permit requires NORPAC to submit an annual stormwater report to Ecology
9 no later than May 15 of each year that contains a summary of the corrective actions taken during
10 the year. The Permit specifies that annual reports must, *inter alia*, (1) identify the condition
11 triggering the need for corrective action review; (2) describe the problem(s) and identify the
12 dates they were discovered; (3) summarize any corrective actions completed during the previous
13 calendar year and include the dates of completion; and (4) describe the status of any corrective
14 actions triggered during the previous calendar year and identify the date of expected completion.
15

16 44. NORPAC has violated the Permit's requirements by failing to timely submit
17 annual reports that include complete and accurate information required by the Permit. The Permit
18 requirements and NORPAC's violations thereof are described in section II.G of the Notice
19 Letter, attached hereto as Exhibit 1 at 18–19, and are incorporated herein by this reference.
20

21 **Violations of Requirements to Report Violations.**

22 45. The Permit requires NORPAC to take certain reporting and other responsive
23 actions each time it is unable to comply with conditions of the Permit. NORPAC has repeatedly
24 violated these requirements by failing to timely notify Ecology of the noncompliance, failing to
25 timely submit complete reports for the noncompliance, and failing to take the required
26 responsive actions. These Permit requirements, and NORPAC's violations thereof, are described
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1 in section II.H of the Notice Letter, attached hereto as Exhibit 1 at 19–20, which are incorporated
2 herein by this reference.

3 **B. NORPAC’S Violations of the Ecology Order.**

4 46. The Ecology Order required that NORPAC prepare a Stormwater System
5 Evaluation that meets specified requirements and submit the document to Ecology for review
6 and approval by November 1, 2020. NORPAC violated these requirements by failing to timely
7 prepare and submit to Ecology a Stormwater System Evaluation that meets the requirements of
8 the Ecology Order. These requirements, and NORPAC’s violations thereof, are described in
9 section III of the Notice Letter, attached hereto as Exhibit 1 at 20, incorporated herein with this
10 reference.
11

12 47. The Ecology Order required that NORPAC develop a Stormwater
13 Characterization Study Sampling Plan that meets specified requirements, submit the plan to
14 Ecology for review and approval by November 1, 2020, and complete the Stormwater
15 Characterization Study by March 15, 2021 in accordance with an Ecology-approved plan.
16 NORPAC violated these requirements by failing to timely develop a Stormwater
17 Characterization Study Sampling Plan that meets the requirements of the Ecology Order, by
18 failing to timely implement an Ecology-approved Stormwater Characterization Study Sampling
19 Plan, and by failing to timely prepare a Stormwater Characterization Study the meets the
20 requirements of the Ecology Order. These requirements of the Ecology Order, and NORPAC’s
21 violations thereof, are described in section III of the Notice Letter, attached hereto as Exhibit 1 at
22 20–21, incorporated herein with this reference.
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24

25 48. The Ecology Order required that NORPAC submit to Ecology for review and
26 approval an updated NPDES permit application that includes specified information and that
27 meets certain requirements by May 15, 2021. NORPAC violated these requirements by failing to
28

1 timely submit an updated NPDES permit application that complies with the requirements of the
2 Ecology Order. These requirements of the Ecology Order, and NORPAC's violations thereof, are
3 described in section III of the Notice Letter, attached hereto as Exhibit 1 at 21, incorporated
4 herein with this reference.

5
6 49. The violations of the Permit and Ecology Order alleged herein are ongoing
7 because they are continuing and/or are reasonably likely to recur. For example, NORPAC's
8 frequent exceedances of effluent limits and benchmarks are continuing and NORPAC is not
9 implementing required corrective actions to remedy its exceedances.

10 50. Discharges from NORPAC's Facility contribute to the polluted conditions of the
11 waters of the United States, including the Columbia River. Discharges from NORPAC's Facility
12 contribute to the ecological impacts that result from the polluted condition of these waters and to
13 Riverkeeper's and its members' injuries resulting therefrom.

14
15 51. The vicinity of the Facility's discharges are used by the citizens of Washington
16 and Oregon and visitors, as well as at least one of Riverkeeper's members, for activities
17 including swimming, boating, biking, fishing and nature watching. Riverkeeper's members also
18 derive aesthetic benefits from the receiving waters. Riverkeeper's and its members' enjoyment of
19 these activities and waters is diminished by the polluted state of the receiving waters and by
20 NORPAC's contributions to such a polluted state.

21
22 52. A significant penalty should be imposed against NORPAC under the penalty
23 factors set forth in section 309(d) of the CWA, 33 U.S.C. § 1319(d).

24 53. NORPAC's violations were avoidable had NORPAC been diligent in overseeing
25 the Facility's operations and maintenance.

26 54. NORPAC has benefited economically as a consequence of its violations and its
27 failure to implement improvements at the facility.
28

1 55. In accordance with section 505(c)(3) of the CWA, 33 U.S.C. § 1365(c)(3), and 40
2 C.F.R. § 135.4, Riverkeeper will mail either a filed, date-stamped copy of this complaint or a
3 conformed copy of this complaint after it is filed to the Administrator of the EPA, the Regional
4 Administrator for Region 10 of the EPA, and the Attorney General of the United States.

5
6 **VI. CAUSE OF ACTION.**

7 56. The preceding paragraphs and the allegations in sections II and III of the Notice
8 Letter, attached hereto as Exhibit 1 at 2–21, are incorporated herein by this reference.

9 57. NORPAC’s violations of the Permit and the Ecology Order described herein and
10 in the Notice Letter constitute violations of an “effluent standard or limitation” as defined by
11 section 505(f) of the CWA, 33 U.S.C. § 1365(f), and an “order issued by . . . a State with respect
12 to such a standard or limitation,” 33 U.S.C. § 1365(a)(1).

13
14 58. Upon information and belief, NORPAC’s violations are continuing or are
15 reasonably likely to continue to recur. Any and all additional violations of the Permit and the
16 Ecology Order that occur after the date of Riverkeeper’s Notice Letter, but before a final
17 decision in this action, should be considered continuing violations subject to this complaint.

18 59. Without the imposition of appropriate civil penalties and the issuance of an
19 injunction, NORPAC is likely to continue to violate the Permit and Ecology Order to the further
20 injury of Riverkeeper, its members, and the public.

21
22 **VII. RELIEF REQUESTED.**

23 Wherefore, Riverkeeper respectfully requests that this Court grant the following relief:

24 A. Issue a declaratory judgment that NORPAC violated, and continues to be in
25 violation of, the Permit and the Ecology Order;

26 B. Enjoin NORPAC from operating the Facility in a manner that results in further
27 violations of the Permit and the Ecology Order;

1 C. Order NORPAC to immediately implement a SWPPP that complies with the
2 Permit and the Ecology Order;

3 D. Order NORPAC to provide Riverkeeper, for a period beginning on the date of the
4 Court's Order and running for one year after NORPAC achieves compliance with all of the
5 conditions of the Permit, with copies of all reports and other documents that NORPAC submits
6 to or receives from Ecology and/or EPA regarding NORPAC's coverage under the Permit, at the
7 same time those documents are submitted to or received from Ecology and/or EPA;
8

9 E. Order NORPAC to take specific actions to remediate the environmental harm
10 caused by its violations;

11 F. Grant such other preliminary and/or permanent injunctive relief as Riverkeeper
12 may from time to time request during the pendency of this case;
13

14 G. Order NORPAC to pay civil penalties as authorized by sections 309(d) and 505(a)
15 of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19.

16 H. Award Riverkeeper its litigation expenses, including reasonable attorneys' and
17 expert witness fees, as authorized by section 505(d) of the CWA, 33 U.S.C. § 1365(d), or as
18 otherwise authorized by law; and

19 I. Award such other relief as this Court deems appropriate.
20

21 RESPECTFULLY SUBMITTED this 28th day of February 2022.

22 KAMPMEIER & KNUTSEN, PLLC
23

24 By: s/ Brian A. Knutsen
25 Brian A. Knutsen, WSBA No. 38806
26 1300 S.E. Stark Street, Suite 202
27 Portland, Oregon 97214
28 Tel: (503) 841-6515
Email: brian@kampmeierknutsen.com

1 By: s/ Jessica Durney
2 Jessica Durney, WSBA No. 57923
3 811 First Avenue, Suite 468
4 Seattle, Washington 98104
5 Tel.: (206) 739-5184
6 Email: jessica@kampmeierknutsen.com

7 COLUMBIA RIVERKEEPER

8 By: s/ Simone Anter
9 Simone Anter, WSBA No. 52716
10 1125 S.E. Madison Street, Suite 103A
11 Portland, Oregon 97214
12 Tel.: (541) 399-5312
13 Email: simone@columbiariverkeeper.org

14 *Attorneys for Plaintiff Columbia Riverkeeper*
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EXHIBIT 1

KAMPMEIER & KNUTSEN PLLC
ATTORNEYS AT LAW

BRIAN A. KNUTSEN
Licensed in Oregon & Washington
503.841.6515
brian@kampmeierknutsen.com

December 21, 2021

Via CERTIFIED MAIL – Return Receipt Requested

Managing Agent
North Pacific Paper Company, LLC
3001 Industrial Way
Longview, Washington 98632

Managing Agent
North Pacific Paper Company, LLC
P.O. Box 2069
Longview, Washington 98632-8191

Re: NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT

Dear Managing Agent:

This letter is submitted on behalf of Columbia Riverkeeper, 407 Portway Ave, Suite 301, Hood River, OR 97031. This letter provides you with 60 days of notice of Columbia Riverkeeper's intent to file a citizen suit against North Pacific Paper Company, LLC ("NORPAC") under section 505 of the Clean Water Act ("CWA"), 33 U.S.C § 1365, for the violations described below.

On July 17, 2019, the Washington Department of Ecology ("Ecology") issued to NORPAC National Pollution Discharge Elimination System ("NPDES") permit, no. WA0991016 ("the Permit"), which became effective on August 1, 2019. NORPAC has violated and continues to violate the terms and conditions of the Permit with respect to the operation of, and discharges of pollutants from, its facility located at or near 3001 Industrial Way, Longview, Washington 98632 (the "facility"). NORPAC has further violated and continues to violate the requirements of Ecology Administrative Order No. 18227 issued to NORPAC on August 7, 2020. The facility subject to this notice includes any contiguous or adjacent properties owned and/or operated by NORPAC.

I. COLUMBIA RIVERKEEPER'S COMMITMENT TO PROTECTING A FISHABLE AND SWIMMABLE COLUMBIA RIVER.

Columbia Riverkeeper's mission is to restore and protect the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Columbia Riverkeeper is a non-profit organization with members who live, recreate, and work throughout the Columbia River basin, including near and downstream of NORPAC's facility.

Threats facing the Columbia River are severe by any measure. *See Columbia River Basin State of the River Report for Toxics*, Environmental Protection Agency, Region 10 (January

2009) (available online at: <https://www.epa.gov/columbiariver/2009-state-river-report-toxics>). In fact, the vast majority of rivers and streams in Washington fail to meet basic state water quality standards for pollutants such as toxics and temperature. *See* State of Washington 303(d) List (available online at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>). Water quality standards are designed to protect designated uses, including aquatic life, fishing, swimming, and drinking water.

This Notice of Intent to Sue NORPAC is part of Columbia Riverkeeper's effort to improve water quality in the Columbia River Basin for purposes including swimming, habitat quality, and subsistence, recreational, and commercial fishing. Columbia Riverkeeper has serious concerns about the impacts of NORPAC's operations and pollution discharges on the Columbia River. As discussed below, NORPAC has repeatedly discharged contaminants in excess of the Permit's effluent limitations and benchmarks, while failing to implement the required corrective actions. NORPAC's operations and pollution discharges degrade water quality in the Columbia River Basin and may contribute to conditions that place the health of those who use the Columbia River at risk.

II. VIOLATIONS OF THE PERMIT.

A. Violations of Numeric Effluent Limitations.

Condition S1.A of the Permit requires that NORPAC's discharges at Outfall 001A comply with specific numeric effluent limitations. Specifically, the discharges must meet average monthly and maximum daily limits for Biochemical Oxygen Demand ("BOD") and Total Suspended Solids ("TSS") and discharges must comply with minimum and maximum limits on pH. The effluent limitations are as follows:

| Effluent Limits: Outfall 001A | | |
|---|---|---|
| Latitude 46.125883 Longitude 122.978181 | | |
| Parameter | Average Monthly ^a | Maximum Daily ^b |
| Biochemical Oxygen Demand (5-day) (BOD ₅) | 1,231 milligrams per liter (mg/L) 182,052 pounds per day (lbs/day) | 1,715 milligrams per liter (mg/L) 304,194 pounds per day (lbs/day) |
| Total Suspended Solids (TSS) | 2,296 mg/L 284,980 lbs/day | 4,278 mg/L 481,665 lbs/day |
| | Minimum | Maximum |
| pH | 5.0 standard units | 11.0 standard units |

| | |
|---|--|
| a | Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured. |
| b | Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the maximum discharge of a pollutant measured during a calendar day. For pollutants with limits expressed in units of mass, calculate the daily discharge as the total mass of the pollutant discharged over the day. This does not apply to pH. |

NORPAC has repeatedly violated these effluent limitations contained in Condition S1.A of the Permit, as summarized in the following table:

| Effluent Limitation Violations at Outfall 001A Process Wastewater to Nippon Treatment Plant | | | |
|--|--------------------------|-----------------|--------------------|
| Monitoring Period | Parameter, Frequency | Effluent Limit | Monitoring Result |
| 10/13/2019 | pH, instantaneous max | <11 SU | > 11.4 SU |
| 11/7/2019 | pH, instantaneous max | <11 SU | > 11.0 SU |
| 12/30/2019 | BOD, daily max | 1,715 mg/L | 1770 mg/L |
| December 2019 | TSS, avg. monthly max | 284,980 lbs/day | 290,693.67 lbs/day |
| 1/24/2020 | BOD, daily max | 1715 mg/L | 3,600 mg/L |
| 1/24/2020 | BOD, daily max | 304,194 lbs/day | 463,750.70 |
| January 2020 | TSS, avg. monthly max | 2,296 mg/L | 2,375.3 mg/L |
| 2/13/2020 | pH, instantaneous max | <11 SU | 11.4 SU |
| 6/28/2020 | BOD, daily max | 1,715 mg/L | 2,800 mg/L |
| 6/28/2020 | BOD, daily max | 304,194 lbs/day | 331,995.38 lbs/day |
| 6/30/2020 | pH, instantaneous max | <11 SU | 11.4 SU |
| July 2020 | TSS, avg. monthly max | 284,980 lbs/day | 286,288.82 lbs/day |
| 9/23/2020 | TSS (residue), daily max | 481,665 lbs/day | 500,885.05 lbs/day |
| 10/13/2020 | BOD, daily max | 1,715 mg/L | 1,760 mg/L |
| October 2020 | TSS, avg. monthly max | 2,296 mg/L | 2,560.6 mg/L |
| 10/22/2020 | TSS, daily max | 4,278 mg/L | 4,970 mg/L |
| October 2020 | TSS, avg. monthly max | 284,980 lbs/day | 343,095.26 lbs/day |
| 10/13/2020 | TSS (residue), daily max | 481,665 lbs/day | 486,354.94 lbs/day |
| 10/22/2020 | TSS (residue), daily max | 481,665 lbs/day | 658,015.58 lbs/day |
| 11/22/2020 | BOD, daily max | 1,715 mg/L | 2,060 mg/L |
| 11/2/2020 | TSS, daily max | 4,278 mg/L | 6,770 mg/L |
| 11/30/2020 | TSS, daily max | 4,278 mg/L | 6,000 mg/L |
| 11/2/2020 | TSS (residue), daily max | 481,665 lbs/day | 913,326.08 lbs/day |

| | | | |
|---------------|--------------------------|-----------------|--------------------|
| 11/16/2020 | TSS (residue), daily max | 481,665 lbs/day | 489,399.96 lbs/day |
| 11/23/2020 | TSS (residue), daily max | 481,665 lbs/day | 577,316.48 lbs/day |
| 11/25/2020 | TSS (residue), daily max | 481,665 lbs/day | 515,959.94 lbs/day |
| 11/30/2020 | TSS (residue), daily max | 481,665 lbs/day | 870,295.68 lbs/day |
| November 2020 | TSS, monthly max | 2,296 mg/L | 3,050.19 mg/L |
| November 2020 | TSS (residue), monthly | 284,980 lbs/day | 424,703.25 lbs/day |
| 12/1/2020 | TSS, daily max | 4,278 mg/L | 5,630 mg/L |
| 12/9/2020 | TSS, daily max | 4,278 mg/L | 5,960 mg/L |
| 12/10/2020 | TSS, daily max | 4,278 mg/L | 4,400 mg/L |
| 12/25/2020 | TSS, daily max | 4,278 mg/L | 5,250 mg/L |
| December 2020 | TSS, monthly max | 2,296 mg/L | 2,896.84 mg/L |
| 12/1/2020 | TSS (residue), daily max | 481,665 lbs/day | 821,604.59 lbs/day |
| 12/2/2020 | TSS (residue), daily max | 481,665 lbs/day | 624,167.60 lbs/day |
| 12/8/2020 | TSS (residue), daily max | 481,665 lbs/day | 484,962.66 lbs/day |
| 12/9/2020 | TSS (residue), daily max | 481,665 lbs/day | 841,231.11 lbs/day |
| 12/10/2020 | TSS (residue), daily max | 481,665 lbs/day | 662,582.98 lbs/day |
| 12/25/2020 | TSS (residue), daily max | 481,665 lbs/day | 749,555.42 lbs/day |
| 12/29/2020 | TSS (residue), daily max | 481,665 lbs/day | 491,267.70 lbs/day |
| December 2020 | TSS (residue), monthly | 284,980 lbs/day | 412,921.64 lbs/day |
| 1/18/2021 | TSS, daily max | 4,278 mg/L | 5,510 mg/L |
| 1/19/2021 | TSS, daily max | 4,278 mg/L | 4,900 mg/L |
| 1/25/2021 | TSS, daily max | 4,278 mg/L | 4,560 mg/L |
| January 2021 | TSS, monthly max | 2,296 mg/L | 3,032.35 mg/L |
| 1/15/2021 | TSS (residue), daily max | 481,665 lbs/day | 622,279.18 lbs/day |
| 1/18/2021 | TSS (residue), daily max | 481,665 lbs/day | 847,104.98 lbs/day |
| 1/19/2021 | TSS (residue), daily max | 481,665 lbs/day | 729,253.77 lbs/day |
| 1/20/2021 | TSS (residue), daily max | 481,665 lbs/day | 576,646.98 lbs/day |
| 1/25/2021 | TSS (residue), daily max | 481,665 lbs/day | 694,054.80 lbs/day |

| | | | |
|---------------|----------------------------|-----------------|----------------------|
| 1/26/2021 | TSS (residue), daily max | 481,665 lbs/day | 525,648.18 lbs/day |
| January 2021 | TSS (residue), monthly | 284,980 lbs/day | 438,645.95 lbs/day |
| 2/5/2021 | TSS, daily max | 4,278 mg/L | 4,820 mg/L |
| 2/8/2021 | TSS, daily max | 4,278 mg/L | 8,680 mg/L |
| 2/9/2021 | TSS, daily max | 4,278 mg/L | 6,130 mg/L |
| 2/10/2021 | TSS, daily max | 4,278 mg/L | 5,370 mg/L |
| 2/11/2021 | TSS, daily max | 4,278 mg/L | 6,580 mg/L |
| 2/16/2021 | TSS, daily max | 4,278 mg/L | 4,700 mg/L |
| 2/18/2021 | TSS, daily max | 4,278 mg/L | 5,220 mg/L |
| 2/22/2021 | TSS, daily max | 4,278 mg/L | 4,340 mg/L |
| 2/24/2021 | TSS, daily max | 4,278 mg/L | 9,120 mg/L |
| February 2021 | TSS, monthly max | 2,296 mg/L | 4,628.70 mg/L |
| 2/2/2021 | TSS (residue), daily max | 481,665 lbs/day | 620,076.16 lbs/day |
| 2/5/2021 | TSS (residue), daily max | 481,665 lbs/day | 729,527.82 lbs/day |
| 2/8/2021 | TSS (residue), daily max | 481,665 lbs/day | 1,273,216.43 lbs/day |
| 2/9/2021 | TSS (residue), daily max | 481,665 lbs/day | 849,326.33 lbs/day |
| 2/10/2021 | TSS (residue), daily max | 481,665 lbs/day | 725,574.75 lbs/day |
| 2/11/2021 | TSS (residue), daily max | 481,665 lbs/day | 649,082.93 lbs/day |
| 2/16/2021 | TSS (residue), daily max | 481,665 lbs/day | 678,399.79 lbs/day |
| 2/18/2021 | TSS (residue), daily max | 481,665 lbs/day | 745,533.45 lbs/day |
| 2/22/2021 | TSS (residue), daily max | 481,665 lbs/day | 624,482.69 lbs/day |
| 2/24/2021 | TSS (residue), daily max | 481,665 lbs/day | 1,436,560.33 lbs/day |
| February 2021 | TSS (residue), monthly | 284,980 lbs/day | 674,789.51 lbs/day |
| March 2021 | TSS, monthly max | 2,296 mg/L | 2,533 mg/L |
| 3/1/2021 | TSS, daily max | 4,278 mg/L | 8,510 mg/L |
| March 2021 | TSS (residue), monthly max | 284,980 lbs/day | 349,516.10 lbs/day |
| 3/1/2021 | TSS (residue), daily max | 481,665 lbs/day | 1,112,862.91 lbs/day |
| 11/17/2021 | BOD, daily max | 1,715 mg/L | 2,170 mg/L |

The dates on which NORPAC collected the monitoring samples to calculate the monthly average values shown are identified in NORPAC's discharge monitoring reports. Pursuant to Condition S1 of the Permit, each exceedance noted above constitutes a violation of the Permit.

B. Violations of Corrective Action Requirements.

Condition S1.B of the Permit establishes numeric effluent benchmarks for NORPAC's discharges at Outfall 002A (East Ditch) and Outfall 003A (West Ditch). The Permit requires that NORPAC implement specified corrective actions when it exceeds any of these benchmarks and Condition S1.B provides that NORPAC must include the corrective action in the discharge monitoring report ("DMR") that includes the benchmark exceedance. The effluent benchmarks established in Condition S1.B of the Permit are as follows:

| Effluent Benchmarks: East Ditch, West Ditch | | |
|---|---|-----------------------------------|
| East Ditch (Outfall 002A) | Latitude 46.123552 | Longitude 122.971583 |
| West Ditch (Outfall 003A) | Latitude 46.127806 | Longitude 122.978571 |
| Parameter | Average Monthly ^a | Maximum Daily ^b |
| Biochemical Oxygen Demand (5-day) (BOD ₅) | 7.1 milligrams per liter (mg/L) | 20.0 milligrams per liter (mg/L) |
| Settleable Solids (SS) | N/A | 0.1 mL/L |
| Turbidity | 45 NTU | 103 NTU |
| Oil & Grease | 10 mg/L | 15 mg/L |
| Parameter | Average Monthly Minimum ^c | Minimum Daily ^d |
| Dissolved Oxygen | 2.5 mg/L | 1.8 mg/L |
| Parameter | Daily Minimum | Daily Maximum |
| pH | 6.0 standard units | 9.0 standard units |
| a | Average monthly effluent benchmark means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the benchmark, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured. | |
| b | Maximum daily effluent benchmark is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. | |
| c | Average monthly minimum effluent benchmark means the lowest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the benchmark, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured. | |
| d | Minimum daily effluent benchmark is the lowest allowable daily discharge. The daily discharge is the average discharge of a pollutant or parameter measured during a calendar day. | |

NORPAC has repeatedly exceeded these effluent benchmark values as identified in the following tables:

| Outfall 002A BOD, Daily Max | | | | |
|-----------------------------|------------------|----------------------|-----------|---------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 9/16/2019 | 002A | BOD5, daily max | 20 mg/L | 70 mg/L |
| 1/8/2020 | 002A | BOD5, daily max | 20 mg/L | 75 mg/L |
| 9/18/2020 | 002A | BOD5, daily max | 20 mg/L | 38 mg/L |

| Outfall 003A BOD, Daily Max | | | | |
|-----------------------------|------------------|----------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 12/20/2019 | 003A | BOD5, daily max | 20 mg/L | 23.7 mg/L |
| 2/14/2020 | 003A | BOD5, daily max | 20 mg/L | 64 mg/L |
| 9/18/2020 | 003A | BOD5, daily max | 20 mg/L | 22 mg/L |

| Outfall 002A BOD, Average Monthly Max | | | | |
|---------------------------------------|------------------|-----------------------|-----------|------------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| September 2019 | 002A | BOD, avg. monthly max | 7.1 mg/L | 70 mg/L |
| October 2019 | 002A | BOD, avg. monthly max | 7.1 mg/L | 9.9 mg/L |
| November 2019 | 002A | BOD, avg. monthly max | 7.1 mg/L | 14.1 mg/L |
| January 2020 | 002A | BOD, avg. monthly max | 7.1 mg/L | 25.2 mg/L |
| September 2020 | 002A | BOD, avg. monthly max | 7.1 mg/L | 21 mg/L |
| November 2020 | 002A | BOD, avg. monthly max | 7.1 mg/L | 12.05 mg/L |
| May 2021 | 002A | BOD, avg. Monthly max | 7.1 gm/L | 12.9 mg/L |
| October 2021 | 002A | BOD, avg. Monthly max | 7.1 gm/L | 11.5 mg/L |

| Outfall 003A BOD, Average Monthly Max | | | | |
|---------------------------------------|------------------|-----------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| December 2019 | 003A | BOD, avg. monthly max | 7.1 mg/L | 23.7 mg/L |
| February 2020 | 003A | BOD, avg. monthly max | 7.1 mg/L | 64 mg/L |
| July 2020 | 003A | BOD, avg. monthly max | 7.1 mg/L | 11.0 mg/L |
| September 2020 | 003A | BOD, avg. monthly max | 7.1 mg/L | 14.5 mg/L |
| March 2021 | 003A | BOD, avg. monthly max | 7.1 mg/L | 10.9 mg/L |

| Outfall 002A Turbidity, Daily Max | | | | |
|-----------------------------------|------------------|----------------------|-----------|---------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 1/27/2020 | 002A | Turbidity, daily max | 103 NTU | 196 NTU |

| Outfall 003A Turbidity, Daily Max | | | | |
|-----------------------------------|------------------|----------------------|-----------|----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 9/16/2019 | 003A | Turbidity, daily max | 103 NTU | 129 NTU |
| 10/17/2019 | 003A | Turbidity, daily max | 103 NTU | 143 NTU |
| 12/11/2019 | 003A | Turbidity, daily max | 103 NTU | 119 NTU |
| 1/8/2020 | 003A | Turbidity, daily max | 103 NTU | 447 NTU |
| 1/10/2020 | 003A | Turbidity, daily max | 103 NTU | 225 NTU |
| 1/23/2020 | 003A | Turbidity, daily max | 103 NTU | 358 NTU |
| 2/14/2020 | 003A | Turbidity, daily max | 103 NTU | 3010 NTU |
| 3/6/2020 | 003A | Turbidity, daily max | 103 NTU | 162 NTU |
| 10/13/2020 | 003A | Turbidity, daily max | 103 NTU | 152 NTU |
| 11/10/2020 | 003A | Turbidity, daily max | 103 NTU | 288 NTU |
| 11/17/2020 | 003A | Turbidity, daily max | 103 NTU | 141 NTU |
| 11/30/2020 | 003A | Turbidity, daily max | 103 NTU | 193 NTU |
| 12/11/2020 | 003A | Turbidity, daily max | 103 NTU | 376 NTU |
| 12/17/2020 | 003A | Turbidity, daily max | 103 NTU | 183 NTU |
| 12/21/2020 | 003A | Turbidity, daily max | 103 NTU | 166 NTU |
| 12/30/2020 | 003A | Turbidity, daily max | 103 NTU | 203 NTU |
| 1/11/2021 | 003A | Turbidity, daily max | 103 NTU | 242 NTU |
| 1/27/2021 | 003A | Turbidity, daily max | 103 NTU | 180 NTU |
| 2/1/2021 | 003A | Turbidity, daily max | 103 NTU | 180 NTU |

| | | | | |
|-----------|------|----------------------|---------|---------|
| 2/11/2021 | 003A | Turbidity, daily max | 103 NTU | 333 NTU |
| 2/19/2021 | 003A | Turbidity, daily max | 103 NTU | 186 NTU |

| Outfall 002A Turbidity, Average Monthly Max | | | | |
|---|------------------|-----------------------------|-----------|----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| September 2019 | 002A | Turbidity, avg. monthly max | 45 NTU | 53 NTU |
| January 2020 | 002A | Turbidity, avg. monthly max | 45 NTU | 73.4 NTU |
| September 2021 | 002A | Turbidity, avg. monthly max | 45 NTU | 65.4 NTU |

| Outfall 003A Turbidity, Average Monthly Max | | | | |
|---|------------------|-----------------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| September 2019 | 003A | Turbidity, avg. monthly max | 45 NTU | 129 NTU |
| October 2019 | 003A | Turbidity, avg. monthly max | 45 NTU | 82 NTU |
| November 2019 | 003A | Turbidity, avg. monthly max | 45 NTU | 102 NTU |
| December 2019 | 003A | Turbidity, avg. monthly max | 45 NTU | 101 NTU |
| January 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 269.8 NTU |
| February 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 3010 NTU |
| March 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 81.2 NTU |
| April 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 62.5 NTU |
| October 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 152 NTU |
| November 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 207 NTU |
| December 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 232 NTU |
| January 2021 | 003A | Turbidity, avg. monthly max | 45 NTU | 211 NTU |
| February 2021 | 003A | Turbidity, avg. monthly max | 45 NTU | 193 NTU |

| | | | | |
|------------|------|-----------------------------|--------|--------|
| March 2021 | 003A | Turbidity, avg. monthly max | 45 NTU | 60 NTU |
|------------|------|-----------------------------|--------|--------|

| Outfall 002A Settleable Solids, Daily | | | | |
|---------------------------------------|------------------|------------------------------|-----------|----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 9/16/2019 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 10/3/2019 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 10/17/2019 | 002A | Settleable Solids, daily max | 0.1 mL/L | 1.4 mL/L |
| 1/10/2020 | 002A | Settleable Solids, daily max | 0.1 mL/L | 1 mL/L |
| 1/27/2020 | 002A | Settleable Solids, daily max | 0.1 mL/L | 1 mL/L |
| 9/18/2020 | 002A | Settleable Solids, daily max | 0.1 mL/L | 1.3 mL/L |
| 11/30/2020 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.4 mL/L |
| 2/22/2021 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.3 mL/L |
| 9/28/2021 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 11/15/2021 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.3 mL/L |

| Outfall 003A Settleable Solids, Daily | | | | |
|---------------------------------------|------------------|------------------------------|-----------|----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 1/27/2020 | 003A | Settleable Solids, daily max | 0.1 mL/L | 1.8 mL/L |
| 11/17/2020 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 12/11/2020 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 1/27/2021 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.5 mL/L |
| 2/1/2021 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.3 mL/L |
| 2/19/2021 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |

| | | | | |
|----------|------|---------------------------------|----------|----------|
| 3/5/2021 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.6 mL/L |
|----------|------|---------------------------------|----------|----------|

| Outfalls 002A or 003A Miscellaneous Exceedances | | | | |
|--|---------------------|----------------------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 1/10/2020 | 003A | pH, daily min. | 6.0 SU | 5.89 SU |
| 9/18/2020 | 002A | Dissolved Oxygen, daily min | 1.8 mg/L | 1.0 mg/L |
| 11/30/2020 | 002A | Oil & Grease, daily maximum | 15 mg/L | 31.1 mg/L |
| November 2020 | 002A | Oil & Grease, monthly average | 10 mg/L | 17.7 mg/L |

1. Violations of Level One Corrective Action Requirements.

Condition S1.B.a of the Permit requires NORPAC to complete a Level 1 Corrective Action each time it exceeds one of the applicable effluent benchmarks at Outfall 002A or Outfall 003A established by Condition S1.B of the Permit and identified above in section II.B of this notice letter.

For a Level 1 Corrective Action, Condition S1.B.a of the Permit requires NORPAC to (1) conduct an inspection to investigate the cause of the benchmark exceedance; (2) review the stormwater pollution prevention plan (“SWPPP”) for the facility to ensure that it fully complies with Special Condition S12 of the Permit—the requirements for an adequate SWPPP—and contains the correct Best Management Practices (“BMPs”); and (3) make appropriate revisions to the SWPPP to include additional Operational Source Control BMPs with the goal of achieving the applicable benchmark value in future discharges. Additionally, Condition S1.B of the Permit provides that corrective actions must be included in the DMR that includes that benchmark exceedance(s) and that the annual stormwater report required under Condition S15 of the Permit must summarize the corrective actions.

NORPAC violated the Level 1 Corrective Action requirements of the Permit described above by failing to timely conduct a Level 1 Corrective Action in accordance with Permit conditions, including the required investigation; the required review of the SWPPP; the required revision of the SWPPP to include additional Operational Source Control BMPs; and the required summarization of the corrective action in the DMR and in the annual report each time since August 1, 2019 that discharges at Outfall 002A and Outfall 003A exceeded an applicable benchmark value, including each of the benchmark exceedances identified in the tables in section II.B of this notice letter above.

These benchmark exceedances are based upon information currently available to Columbia Riverkeeper from Ecology’s publicly available records. Columbia Riverkeeper provides notice of its intent to sue NORPAC for failing to comply with all of the Level 1

Corrective Action requirements described above each time since August 1, 2019 that sampling results for Outfall 002A or Outfall 003A were greater than a benchmark value.

2. Violations of the Level Two Corrective Actions Requirements.

Condition S1.B.b of the Permit requires NORPAC to complete a Level 2 Corrective Action each time it exceeds one of the applicable effluent benchmarks at Outfall 002A and Outfall 003A established by Condition S1.B of the Permit and identified above in section II.B of this notice letter in any three months during a calendar year.

For a Level 2 Corrective Action, Condition S1.B.b of the Permit requires NORPAC to (1) review the SWPPP and ensure it complies with Special Condition S12 of the Permit; (2) revise the SWPPP to include additional Structural Source Control BMPs with the goal of achieving the benchmark value in future discharges; and (3) install the Structural Source Control BMPs as soon as possible, but no later than August 31 of the following year. Additionally, Condition S1.B of the Permit provides that the annual stormwater report required under Condition S15 of the Permit must summarize the corrective actions.

NORPAC violated the requirements of the Permit described above by failing to timely conduct a Level 2 Corrective Action in accordance with Permit conditions—including the required review of the SWPPP; revision of the SWPPP to include additional Structural Source Control BMPs; implementation of additional Structural Source Control BMPs; and summarization of the corrective action in the annual report—each time since and including August 2019 that discharges from Outfall 002A and Outfall 003A exceeded an applicable effluent benchmark in any three months during a calendar year.

As indicated in the tables in section II.B of this notice letter, these violations include, but are not limited to, NORPAC's failure to fulfill these obligations triggered for exceedances of the BOD daily maximum benchmark in 2020, BOD average monthly maximum benchmark in 2019, Turbidity daily maximum benchmark in 2019, Turbidity monthly average benchmark in 2019, and Settleable Solids daily maximum in 2020.

Alternatively, to the extent that benchmark exceedances at the two outfalls—Outfall 002A and Outfall 003A—count separately towards a Level 2 Corrective Action under Condition S1.B.b of the Permit, NORPAC failed to fulfill the Level 2 Corrective Action requirements described above for exceedances of the BOD average monthly maximum benchmark at Outfall 002A in 2019; BOD average monthly maximum benchmark at Outfall 003A in 2020; Turbidity daily maximum benchmark at Outfall 003A in 2019; Turbidity average monthly maximum benchmark at Outfall 003A in 2019; Settleable Solids daily maximum benchmark at Outfall 002A in 2020; and Settleable Solids daily maximum benchmark at Outfall 003A in 2020.

The benchmark exceedances identified in the tables in section II.B of this notice letter are based upon information currently available to Columbia Riverkeeper from Ecology's publicly available records. Columbia Riverkeeper provides notice of its intent to sue NORPAC for failing to comply with all the Level 2 Corrective Action requirements each and every time sample results exceeded an applicable benchmark value for any three months during a calendar year,

including any such excursions that are not reflected in the tables in section II.B of this notice letter above, since August 1, 2019.

C. Violations of the Prohibition on Discharging Process Wastewater.

Condition S1.B and Condition S1.C of the Permit authorize NORPAC to discharge stormwater to Weyerhaeuser NR Company's stormwater system. Condition S5.C of the Permit prohibits the discharge of process wastewater, including stormwater that is comingled with process wastewater, to Weyerhaeuser NR Company's stormwater system.

NORPAC violated these requirements by discharging overflow from a solid waste pad to Weyerhaeuser NR Company's stormwater system from December 1 to 3, 2019. Available reports indicate that around 750 to 1,500 gallons of prohibited process wastewater were discharged.

D. Violations of the Monitoring and Reporting Requirements.

Condition S2.A of the Permit establishes monitoring requirements for discharges from NORPAC's various outfalls. Condition S3.A of the Permit requires that NORPAC report the results of discharge monitoring to Ecology on DMRs. NORPAC has violated these conditions each and every time it has failed to collect and analyze discharge samples and report the results to Ecology in compliance with the requirements of the Permit, including but not limited to the following instances:

| Failure to Monitor Violations | | |
|-------------------------------|---------------|---|
| Monitoring Period | Outfall(s) | Parameter / Monitoring Frequency |
| September 2019 | 002A and 003A | Klebsiella, monthly |
| Week of 10/27/19 – 11/2/19 | 001A | TSS, 3/week (only 1 collected) |
| Week of 12/22/19 – 12/28/19 | 002A and 003A | BOD weekly, Turbidity weekly, settleable solids |
| February 2020 | 003A | Fecal C., monthly |
| February 2020 | 003A | Klebsiella, monthly |
| February 2020 | 003A | E. Coli, monthly |
| July 2020 | 003A | Klebsiella, monthly |
| July 2020 | 003A | E. Coli, monthly |
| July 2020 | 003A | Fecal C., monthly |
| March 2021 | 003A | Klebsiella, monthly |
| 9/10/2021 – 9/19/2021 | 001A | Temperature, continuous |

Condition S3.A.3.a of the Permit requires NORPAC to submit monthly DMRs by the 15th day of the following month. NORPAC failed to timely submit the April 2021 monthly DMR because it submitted it on June 15, 2021. Condition S3.A.3.b requires NORPAC to submit quarterly DMRs by the 15th day of the month following the monitoring period. NORPAC failed to timely submit the DMRs for the Fourth Quarter of 2020 and the First Quarter of 2021 because

it submitted the DMRs on February 12, 2021 (due by January 15, 2021) and May 14, 2021 (due by April 15, 2021), respectively.

Condition S3.G.a of the Permit requires NORPAC to report a spill of oil or hazardous materials in accordance with RCW 90.56.280 and WAC 173-303-145, which requires immediate notification to multiple parties, immediate mitigation and control, and clean-up efforts. *See* WAC 173-303-145(1) through (3). Upon information and belief, NORPAC had hazardous spill incidents on April 22, 2020, February 15, 2021, March 16, 2021, and May 21, 2021. NORPAC violated the requirements discussed above for each of these spill incidents, including the requirements to immediately notify Ecology and complete the necessary mitigation, control, and clean up.

E. Violations of the Operations and Maintenance Manual Requirements.

Condition S4 of the Permit requires that NORPAC at all times properly operate and maintain all facilities or systems of control that are installed to achieve compliance with the terms and conditions of the Permit. To effectuate this, Condition S4.A of the Permit requires NORPAC to prepare an Operations and Maintenance (“O&M”) Manual. Condition S4.A.a of the Permit provides that the O&M Manual must meet the requirements of WAC 173-240-150; be submitted to Ecology by February 1, 2020; be reviewed annually, with confirmation of review provided yearly by February 1 to Ecology; be submitted to Ecology for review and approval for any substantial changes or updates to the O&M Manual; be kept at the facility; and be followed by NORPAC at all times. Condition S4.A.b of the Permit defines the required components of the O&M Manual, in addition to those required by WAC 173-240-150. These include emergency procedures for plant shutdown and cleanup in the event of a wastewater system upset, spill, failure, or demand by the privately owned treatment system treating the discharge; wastewater system maintenance procedures; a review of system components which, if failed, could pollute surface water or impact human health, along with a procedure for routine schedules of checking these components’ functions; directions to maintenance staff when cleaning or performing necessary tasks; wastewater sampling protocols and procedures; minimum staffing adequate to operate and maintain wastewater collection process and compliance monitoring; procedures for determining the anticipated organic, solids, and hydraulic loading to the receiving treatment plant; and procedures for notifying the receiving treatment plant of possible significant changes in organic, solids, or hydraulic loading. Upon information and belief, NORPAC is in violation of the Permit requirements discussed above because it has not developed and/or is not fully implementing an O&M Manual that meets each requirement of Condition S4.A.b of the Permit identified above; such deficiencies include those identified by Ecology’s notice to NORPAC on March 8, 2021.

Condition S11 of the Permit requires NORPAC to prepare and submit to Ecology a Slug Discharge Control Plan by August 1, 2020 to help minimize potential of slug discharge from the facility, and to review the plan and update it as needed. Condition S11.B of the Permit provides that the Plan must include a description of a reporting system to immediately notify facility management and others of any slug discharges; a description of training, equipment, and facilities for preventing, containing, or treating slug discharges; procedures to prevent adverse impacts from spills; a list of all materials uses, processed, or stored at the facility, the quantity of

such material, and a map noting the material; a description of discharge practices for batch and continuous processes under normal and non-routine circumstances; a description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this Permit and subsequent measures taken to prevent or to reduce the possibility of further unauthorized discharges; and a schedule required to implement the Plan. Upon information and belief, NORPAC is in violation of the Permit requirements discussed above because it has not developed and/or is not fully implementing Slug Discharge Control Plan that meets each requirement of Condition S11.B of the Permit identified above; such deficiencies include those identified by Ecology's notice to NORPAC on March 11, 2021.

Condition S14 of the Permit requires NORPAC to prepare and submit a wastewater treatment plan impact study to Ecology for review by August 1, 2020. Condition S14.1 of the Permit requires NORPAC to analyze the discharge characteristics of the typical paper grades which are reasonably anticipated to be produced, including the maximum, minimum, and average of flow rate, BOD, TSS, and any other pollutants with the potential to cause or contribute to an upset at the receiving wastewater treatment plant or with the potential to pass through the wastewater treatment plant with little to no treatment prior to discharge. Condition S14.2 of the Permit requires NORPAC to analyze the typical changes in hydraulic, organic, and solids loading experienced during normal operations, both for short-term and day-to-day, while also analyzing changes in loading due to changes in paper grade production. Condition S14.3 of the Permit requires NORPAC to review the anticipated impacts to the receiving wastewater treatment plant due to normal operation, including changes in paper grade production. Finally, in the event that possible impacts to the receiving wastewater treatment plant are identified, Condition S14.4 of the Permit requires NORPAC to, at a minimum, analyze the technology available to minimize or eliminate the possible impacts and review BMPs that could be implemented to minimize or eliminate the possible impacts. Upon information and belief, NORPAC is in violation of the Permit requirements discussed above because it has not developed and/or is not fully implementing a wastewater treatment plan impact study that meets each requirement of Condition S14.1 through 4 of the Permit identified above; such deficiencies include those identified in Ecology's notice on March 11, 2021 to NORPAC.

F. Violations of the Stormwater Pollution Prevention Plan Requirements.

Columbia Riverkeeper hereby provides notice, based upon information and belief, that NORPAC has not developed and implemented a SWPPP that complies with the requirements of the Permit. The extensive violations of the Permit and the ongoing discharges of polluted industrial stormwater documented in the publicly available records indicate that NORPAC is not fully implementing a SWPPP that includes adequate BMPs and that otherwise includes all of the required SWPPP components. The violations of the Permit's SWPPP provisions have occurred each and every day since August 1, 2019 and continue to occur each day.

Condition S12.A of the Permit required NORPAC to prepare and submit to Ecology an update to its SWPPP by February 1, 2020. Conditions S12.A.1 through S12.A.4 of the Permit require NORPAC to update the SWPPP, follow the current SWPPP and implement all updates to the SWPPP within 30 days of its revision, and keep the current SWPPP on site and readily available to facility personnel. NORPAC submitted a SWPPP in January 2020 and a revised

SWPPP in April 2020. NORPAC has failed to develop and/or implement a SWPPP that meets all requirements of Condition S12 of the Permit for reasons including, but not limited to, those identified below.

The SWPPP fails to satisfy Condition S12.B of the Permit, which outlines the requirements for the SWPPP's contents, including a site map; facility assessment; identification of BMPs necessary to provide all known, available, and reasonable methods of prevention, control, and treatment ("AKART") of stormwater pollution; incorporation of BMPs to reduce potential fecal coliform contamination; and employee training. NORPAC's SWPPP fails to satisfy Condition S12.B.1 because it does not contain a site map that identifies the scale or relative distances between significant structures and drainage systems; significant features; the stormwater drainage and discharge structures and identify, by name, any other party other than the Permittee that owns any stormwater drainage or discharge structures; the stormwater drainage areas for each stormwater discharge outfall; each sampling location; paved areas and buildings; areas of pollutant contact (actual or potential) associated with specific industrial activities; and surface water locations (including wetlands and drainage ditches).

The SWPPP's facility assessment fails to satisfy Condition S12.B.2 of the Permit because it does not adequately include a description of the facility, an inventory of facility activities and equipment that contribute to or have the potential to contribute any pollutants to stormwater, and an inventory of materials that contribute to or have the potential to contribute pollutants to stormwater.

NORPAC's SWPPP fails to satisfy Condition S12.B.3 of the Permit because it fails to completely identify the BMPs necessary to provide AKART of stormwater pollution, ensure the discharge meets the discharge limits and benchmarks set by Condition S1.B of the Permit, and ensure the discharge does not cause or contribute to a violation of water quality standards. The SWPPP fails to satisfy Condition S12.B.3.a of the Permit because it does not adequately describe each BMP selected to eliminate or reduce the potential to contaminate stormwater and prevent violations of water quality standards, nor does the SWPPP explain in detail how and where the selected BMPs will be implemented. The SWPPP fails to satisfy the requirements of Condition S12.B.3.b of the Permit because it does not sufficiently include and implement good housekeeping and preventative maintenance. For good housekeeping, the SWPPP must include BMPs that define ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to stormwater discharges. Moreover, the SWPPP must include the schedule/frequency for completing each housekeeping task, based upon industrial activity, sampling results, and observations made during inspections. For preventative maintenance, the SWPPP must include BMPs to inspect and maintain the stormwater drainage, source controls, treatment systems (if any), and plant equipment and systems that could fail and result in contamination of stormwater, along with the schedule/frequency for completing each maintenance task. NORPAC's SWPPP does not meet all the requirements of good housekeeping and preventative maintenance, as required by this condition. Moreover, the SWPPP fails to satisfy Condition S12.B.3.c of the Permit because not all of the selected BMPs chosen are included in the Stormwater Management Manual for Western Washington or approved by Ecology.

The SWPPP fails to satisfy the requirements of Condition S12.B.4 of the Permit because it does not adequately incorporate and implement the following BMPs to reduce potential fecal coliform contamination in stormwater runoff: (1) use all known, available and reasonable methods to prevent rodents, birds, and other animals from feeding/nesting/roosting at the facility; (2) perform at least one annual dry weather inspection of the stormwater system to identify and eliminate sanitary sewer cross-connections; (3) install structural source control BMPs to address on-site activities and sources that could cause bacterial contamination (e.g., dumpsters, compost piles, food waste, and animal products); (4) implement operational source control BMPs to prevent bacterial contamination from any known sources of fecal coliform bacteria (e.g., animal waste); and (5) conduct additional bacteria-related sampling and/or BMPs, if ordered by Ecology on a case-by-case basis.

NORPAC's SWPPP fails to satisfy Condition S12.B.5 of the Permit because it does not include BMPs to provide SWPPP training for employees who have duties in areas of industrial activities subject to this permit. At a minimum, the training plan shall include the following content: an overview of what is in the SWPPP; how employees make a difference in complying with the SWPPP and preventing contamination of stormwater; and spill response procedures, good housekeeping, maintenance requirements, and material management practices. Moreover, the training plan must include how NORPAC will conduct training; the frequency and schedule of training occurring at least annually, at a minimum; and a log of the dates on which specific employees received training. NORPAC's SWPPP does not sufficiently contain this required information.

The SWPPP fails to satisfy the requirements of Condition S12.C.1 of the Permit that NORPAC conduct and document visual inspections of the site weekly. Condition S12.C.2 of the Permit specifies the contents of the inspections, including the following: observations made at stormwater sampling locations and any other areas where stormwater is discharged off-site or to waters of the state; observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, or odor in the stormwater; observations for the presence of illicit discharges such as domestic wastewater, noncontact cooling water, or process wastewater; a verification that the descriptions of potential pollutant sources identified in the SWPPP are accurate; a verification that the site map in the SWPPP reflects current conditions; and an assessment of all BMPs that have been implemented, noting effectiveness of BMPs inspected, locations of BMPs that need maintenance, reason maintenance is needed and a schedule for maintenance, locations where additional or different BMPs are needed and the rationale for the additional or different BMPs. Furthermore, Condition S12C.2.g requires that NORPAC record the results of each inspection in an inspection report or checklist and keep the records on-site, as part of the SWPPP, for Ecology review. NORPAC must ensure each inspection report documents the observations, verifications and assessments required in S12.C.2 and includes: time and date of the inspection; locations inspected; statements that, in the judgement of 1) the person conducting the site inspection, and 2) the person described in General Condition G2., the site is either in compliance or out of compliance with the SWPPP and this permit; a summary report and a schedule of implementation of the remedial actions that NORPAC plans to take if the site inspection indicates that the site is out of compliance; name, title, and signature of the person conducting site inspection and the following statement: "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief." Finally, NORPAC must report

non-compliance identified during an inspection in accordance with the requirements of Special Conditions S3.F and S3.J. NORPAC's SWPPP fails to meet the requirements specified by this Condition and NORPAC has failed to conduct and document the weekly inspections as prescribed by Condition S12.C of the Permit each week since August 1, 2019.

G. Violations of the Annual Report Requirements.

Condition S15 of the Permit requires NORPAC to submit an annual stormwater report to Ecology no later than May 15 of each year. Condition S1.B requires that the annual report include a summary of the corrective actions taken during the year. Condition S15 of the Permit requires that the annual report meet the requirements of Special Condition S9.B of Ecology's Industrial Stormwater General Permit (2015) ("ISGP"). Condition S9.B of the ISGP requires that the annual reports include documentation on the implementation of corrective actions triggered during the year, and, if corrective action is not complete, a description on the status of any outstanding corrective actions. Each annual report must: (1) identify the condition triggering the need for corrective action review; (2) describe the problem(s) and identify the dates they were discovered; (3) summarize any corrective actions completed during the previous calendar year and include the dates of completion; and (4) describe the status of any corrective actions triggered during the previous calendar year and identify the date of expected completion. NORPAC has violated these requirements by failing to timely submit accurate annual reports that include all required information. The deficiencies include, but are not limited to, those identified below.

The annual report submitted for the 2019 monitoring year (due May 15, 2020) failed to identify the conditions triggering the need for corrective action reviews because it failed to note several benchmark exceedances triggering Level 1 or Level 2 Corrective Actions. The 2019 annual report failed to completely describe the problems and identify the dates they were discovered for each benchmark exceedance, including for those exceedances it did not identify. The 2019 annual report failed to completely summarize each corrective action completed in 2019 because it did not conduct corrective actions for several exceedances and failed to identify all exceedances. The 2019 annual report also failed to completely describe the status of all corrective actions triggered in 2019 and identify the date of expected completion for those corrective actions that it did not complete and for those exceedances which it did not identify.

Similarly, the annual report submitted for the 2020 monitoring year (due May 15, 2021) failed to identify the conditions triggering the need for corrective action reviews because it failed to note several benchmark exceedances triggering Level 1 or Level 2 Corrective Actions. The 2020 annual report failed to completely describe the problems and identify the dates they were discovered for each benchmark exceedance, including for those exceedances it did not identify. The 2020 annual report failed to completely summarize each corrective action completed in 2020 because it did not conduct corrective actions for several exceedances and failed to identify all exceedances. The 2020 annual report also failed to completely describe the status of all corrective actions triggered in 2020 and identify the date of expected completion for those corrective actions that it did not complete and for those exceedances which it did not identify. Moreover, while NORPAC identified a Level 1 trigger for Turbidity daily at Outfall 002A on January 27, 2020; Turbidity monthly at Outfall 002A for January 2020; and settleable solids

daily at Outfall 002A on January 10, 2020, September 18, 2020, and November 30, 2020, NORPAC appears to have copied the corrective actions completed for each exceedance from its corrective action report for BOD.

The 2020 annual report noted that a Level 3 corrective action was triggered for Turbidity for both daily and monthly maxes, however, the report listed only two actions made: creation of an “engineering assessment” to reduce turbidity by “regrading asphalt paving at the shipping yard at NORPAC,” which it completed by May 2, 2021, and cleaning of “underground pipes” in November 2020. First, this fails to confirm that NORPAC had a qualified industrial stormwater professional review and revise its SWPPP, or that NORPAC prepared an engineering report that it provided to Ecology for review, as required by Condition S1.B.c, by May 15, 2021. Second, the two actions do not constitute treatment BMPs, as required by Condition S1.B.c of the Permit.

Finally, neither the 2019 nor 2020 annual reports contained information about whether NORPAC revised its SWPPP to ensure that it fully complies with Condition S12 or contains the correct operational source control (Level 1), structural source control (Level 2), and treatment (Level 3) BMPs, as required by Conditions S1.B.a through S1.B.c of the Permits for all benchmark exceedances noted in the table in Section II.B.

H. Violations of Requirements to Report Permit Violations.

Condition S3.F of the Permit requires NORPAC to take certain actions in the event that NORPAC is unable to comply with any of the conditions of the Permit. In such circumstances, NORPAC must immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem. NORPAC violated these requirements each time since August 1, 2019 that it exceeded one of the effluent limitations identified in section S1.A of the Permit, including those exceedances identified in section II.A of this notice letter, by failing to discontinue the unauthorized discharges. NORPAC has further violated these requirements by failing to stop and correct the violations of the Permit’s corrective action requirements, including those violations identified in section II.B of this notice letter.

Condition S3.F.b of the Permit requires that NORPAC report certain events to Ecology within 24 hours of becoming aware of the event, including any violation of a maximum daily or instantaneous maximum discharge limit identified in Condition S1.A and S1.B of the Permit and any violation that may endanger health or the environment. Upon information and belief, NORPAC has violated this requirement each time since August 1, 2019 it exceeded a maximum daily or instantaneous maximum discharge limit or benchmark identified in Condition S1.A and S1.B of the Permit, including each such exceedance identified in sections II.A and II.B of this notice letter.

Condition S3.F.c of the Permit requires that NORPAC submit a report within five days of becoming aware of an event requiring reporting to Ecology under Condition S3.F.b of the Permit. The report must contain: (1) a description of the noncompliance and its cause; (2) the period of noncompliance, including exact dates and times; (3) the estimated time the noncompliance is expected to continue; (4) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and (5) if the noncompliance involves an overflow

prior to the treatment works, an estimate of the quantity of untreated overflow. Upon information and belief, NORPAC has violated these requirements by failing to timely submit an accurate report containing all required information each time since August 1, 2019 discharges exceeded a maximum daily or instantaneous maximum discharge limit or benchmark identified in Condition S1.A and S1.B of the Permit, including each such exceedance identified in sections II.A and II.B of this notice letter.

III. VIOLATIONS OF ECOLOGY ADMINISTRATIVE ORDER NO. 18227

Ecology issued Administrative Order No. 18227 (“Order”) on August 7, 2020 directing NORPAC to take various actions in response to its repeated violations of the Permit. Upon information and belief, NORPAC is in violation of the Order because it has failed to timely and completely fulfill the Order’s requirements.

The Order requires that NORPAC submit to Ecology for review and approval by November 1, 2020 a Stormwater System Evaluation. The Stormwater System Evaluation must include the following, at a minimum: i. identification of all stormwater drainage structures, conveyances, pump stations, etc. which collect and drain stormwater off the property; ii. all locations where stormwater discharges leave the property, including identification of potential sampling or measurement locations for compliance monitoring; iii. all sources of non-stormwater which is routinely discharged or drained off the property via stormwater structures identified in sections 1.a.i and 1.a.ii of the Order; iv. sources of potential stormwater contamination; v. identification of locations at which process wastewater or sanitary sewer system overflows could result in discharges off the property; and vi. storage areas and structures which have the potential to overflow or leak and result in discharges off the property. NORPAC submitted a Stormwater System Evaluation on October 29, 2020, and revised versions thereof on March 15, 2021 and September 24, 2021. Ecology identified deficiencies with NORPAC’s efforts to comply with these requirements of the Order via letters dated December 3, 2020 and July 8, 2021. Upon information and belief, NORPAC is in violation of these requirements of the Order because it has failed to timely submit a Stormwater System Evaluation that meets each requirement of the Order identified above; such deficiencies include, but are not limited to, those identified in Ecology’s letters dated December 3, 2020 and July 8, 2021.

The Order requires that NORPAC submit to Ecology for review and approval by November 1, 2020 a Stormwater Characterization Study Sampling Plan. The Stormwater Characterization Study Sampling Plan must include the following, at a minimum: i. proposed sampling locations, including the locations identified in 1.a.ii of the Order (if any of the locations identified in 1.a.ii of the Order are not proposed for sampling, the Sampling Plan must include justification for not conducting monitoring at the specified location); ii. Proposed parameters for monitoring (the following parameters must be monitored or measured: pH, 5-day biochemical oxygen demand (BOD5), chemical oxygen demand (COD), dissolved oxygen (DO), oil and grease, fecal coliform, e. coli, klebsiella, settleable solids, turbidity, zinc, and copper); iii. proposed method for quantifying flow rate or volume discharged from each sample point; iv. proposed sampling frequency at each sample location, including the minimum number of samples necessary for each sampling location to properly characterize the discharge point; v. sampling techniques to be utilized at each sampling point; vi. analytical methods and minimum

detection and quantitation levels to be achieved for each parameter; vii. for field measurements (e.g., pH, dissolved oxygen, etc.), the Sampling Plan must identify the type of instrument, parameter to be measured, calibration frequency, and technique for calibration. The Order requires that NORPAC complete the Stormwater Characterization Study by March 15, 2021 in accordance with a Sampling Plan that has been approved by Ecology. NORPAC submitted a Stormwater Characterization Study Sampling Plan on October 29, 2020. Ecology conditionally approved the plan, while also noting several deficiencies requiring correction, via letter dated December 3, 2020. NORPAC submitted a Stormwater Characterization Study on March 15, 2021 and a revised version on September 24, 2021. Ecology identified numerous deficiencies with NORPAC's study via letter dated July 8, 2021. Upon information and belief, NORPAC is in violation of the requirements of the Order identified above because it has failed to timely submit a Stormwater Characterization Study Sampling Plan that meets each of the requirements of the Order, because it has failed to timely implement a Stormwater Characterization Study Sampling Plan that meets each of the requirements of the Order identified above and that has been approved by Ecology, and because it has failed to timely submit a Stormwater Characterization Study that meets each of the requirements of the Order identified above.

The Order requires that NORPAC submit to Ecology by March 15, 2021 for approval an updated NPDES permit application that includes the following information, at a minimum: a. the results of the Stormwater System Evaluation, including drawings with all of the required information from 1.a.i through 1.a.vi of the Order clearly identified; b. the results of the Stormwater Characterization Study (all sample results collected must be included; if a contract laboratory is used for analysis of any of the parameters, the associated laboratory reports must be submitted); c. a description of all non-stormwater sources that routinely discharge or drain from the property (for the purposes of this requirement, non-stormwater discharges do not include discharges which flow to a wastewater treatment facility); i. if the discharge was not sampled during the Stormwater Characterization Study, NORPAC must include the expected characteristics and anticipated volumes of the non-stormwater discharge (methods for determining the expected characteristics and volumes of the non-stormwater discharge must be included); ii. an evaluation of all Best Management Practices (BMPs) currently installed, or planned to be installed, to control pollutants and/or flow volumes from non-stormwater discharges) iii. an evaluation of the feasibility of eliminating the non-stormwater discharge or collecting the non-stormwater discharge for treatment at Nippon Dynawave's Industrial Wastewater Treatment Plant must be included; d. for all stormwater discharge points that were not sampled during the Stormwater Characterization Study, NORPAC must include the known or expected characteristics and anticipated volumes for the stormwater discharge from the property (information used to determine the characteristics and volumes of the discharge must be included); e. identify all existing BMPs and the purpose of the BMP, including the targeted pollutant(s) of concern (BMP locations must be identified on the drawing required in 3.a of the Order); f. a description of the cleaning and maintenance activities necessary for the stormwater collection, conveyance, and treatment systems, including BMPs. Upon information and belief, NORPAC is in violation of these requirements of the Order because it has failed to timely submit an updated NPDES permit application that includes all of the required information identified above.

IV. PARTY GIVING NOTICE OF INTENT TO SUE.

The full name, address, and telephone number of the party giving notice is:

Columbia Riverkeeper
407 Portway Ave, Suite 301
Hood River, OR 97031
(541) 399-5312

V. ATTORNEYS REPRESENTING COLUMBIA RIVERKEEPER.

The attorneys representing Columbia Riverkeeper in this matter are:

Erin Saylor, Staff Attorney
Columbia Riverkeeper
1125 S.E. Madison Street, Suite 103A
Portland, Oregon 97214
(541) 399-4775
erin@columbiariverkeeper.org

Brian A. Knutsen
Kampmeier & Knutsen, PLLC
1300 S.E. Stark Street, Suite 202
Portland, Oregon 97214
(503) 841-6515
brian@kampmeierknutsen.com

Jessica Durney
Kampmeier & Knutsen, PLLC
811 First Avenue, Suite 468
Seattle, Washington 98104
(206) 739-5184
jessica@kampmeierknutsen.com

VI. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Columbia Riverkeeper based on its review of the public record. These violations are ongoing. Columbia Riverkeeper intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under Section 309(d) of the CWA, 33 U.S.C § 1319(d), NORPAC is subject to a separate daily penalty assessment for each violation. The maximum daily penalty assessment for each violation is \$56,460. 40 C.F.R. § 19.4. In addition to civil penalties, Columbia Riverkeeper will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 U.S.C. § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

Columbia Riverkeeper believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. Columbia Riverkeeper intends, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against NORPAC under Section 505(a) of the CWA for the violations described herein. If you believe that any of the allegations in this Notice

are incorrect or based on incomplete information in the public record, please bring those facts to our attention.

Very truly yours,

KAMPMEIER & KNUTSEN, PLLC

By: 
Brian A. Knutsen

CERTIFICATE OF SERVICE

I, Brian A. Knutsen, declare under penalty of perjury of the laws of Washington and the United States that I am counsel for Columbia Riverkeeper and that on December 21, 2021, I caused copies of the foregoing Notice of Intent to Sue Under the Clean Water Act to be served on the following by depositing them with the United States Postal Service, certified mail, return receipt requested, postage prepaid:

Managing Agent
North Pacific Paper Company, LLC
3001 Industrial Way
Longview, Washington 98632

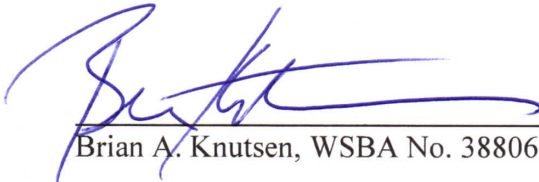
Registered Agent
CT Corporation System
711 Capitol Way S, Suite 204
Olympia, WA 98501-1267

Director Laura Watson
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Managing Agent
North Pacific Paper Company, LLC
PO Box 2069
Longview, Washington 98632-8191

Administrator Michael S. Regan
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W. (Mail Code 1101A)
Washington DC 20460

Acting Regional Administrator Michelle Pirzadeh
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101



Brian A. Knutsen, WSBA No. 38806

EXHIBIT 2

| Effluent Limits: Outfall 001A | | |
|---|--|---|
| Parameter | Average Monthly ^a | Maximum Daily ^b |
| Biochemical Oxygen Demand (5-day) (BOD ₅) | 1,231 milligrams per liter (mg/L) 182,052 pounds per day (lbs/day) | 1,715 milligrams per liter (mg/L) 304,194 pounds per day (lbs/day) |
| Total Suspended Solids (TSS) | 2,296 mg/L 284,980 lbs/day | 4,278 mg/L 481,665 lbs/day |
| | Minimum | Maximum |
| pH | 5.0 standard units | 11.0 standard units |
| a | Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured. | |
| b | Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the maximum discharge of a pollutant measured during a calendar day. For pollutants with limits expressed in units of mass, calculate the daily discharge as the total mass of the pollutant discharged over the day. This does not apply to pH. | |

| Effluent Limitation Violations at Outfall 001A Process Wastewater to Nippon Treatment Plant | | | |
|--|--------------------------|-----------------|--------------------|
| Monitoring Period | Parameter, Frequency | Effluent Limit | Monitoring Result |
| 10/13/2019 | pH, instantaneous max | <11 SU | > 11.4 SU |
| 11/7/2019 | pH, instantaneous max | <11 SU | > 11.0 SU |
| 12/30/2019 | BOD, daily max | 1,715 mg/L | 1770 mg/L |
| December 2019 | TSS, avg. monthly max | 284,980 lbs/day | 290,693.67 lbs/day |
| 1/24/2020 | BOD, daily max | 1715 mg/L | 3,600 mg/L |
| 1/24/2020 | BOD, daily max | 304,194 lbs/day | 463,750.70 |
| January 2020 | TSS, avg. monthly max | 2,296 mg/L | 2,375.3 mg/L |
| 2/13/2020 | pH, instantaneous max | <11 SU | 11.4 SU |
| 6/28/2020 | BOD, daily max | 1,715 mg/L | 2,800 mg/L |
| 6/28/2020 | BOD, daily max | 304,194 lbs/day | 331,995.38 lbs/day |
| 6/30/2020 | pH, instantaneous max | <11 SU | 11.4 SU |
| July 2020 | TSS, avg. monthly max | 284,980 lbs/day | 286,288.82 lbs/day |
| 9/23/2020 | TSS (residue), daily max | 481,665 lbs/day | 500,885.05 lbs/day |
| 10/13/2020 | BOD, daily max | 1,715 mg/L | 1,760 mg/L |
| October 2020 | TSS, avg. monthly max | 2,296 mg/L | 2,560.6 mg/L |
| 10/22/2020 | TSS, daily max | 4,278 mg/L | 4,970 mg/L |
| October 2020 | TSS, avg. monthly max | 284,980 lbs/day | 343,095.26 lbs/day |
| 10/13/2020 | TSS (residue), daily max | 481,665 lbs/day | 486,354.94 lbs/day |
| 10/22/2020 | TSS (residue), daily max | 481,665 lbs/day | 658,015.58 lbs/day |
| 11/22/2020 | BOD, daily max | 1,715 mg/L | 2,060 mg/L |
| 11/2/2020 | TSS, daily max | 4,278 mg/L | 6,770 mg/L |
| 11/30/2020 | TSS, daily max | 4,278 mg/L | 6,000 mg/L |
| 11/2/2020 | TSS (residue), daily max | 481,665 lbs/day | 913,326.08 lbs/day |
| 11/16/2020 | TSS (residue), daily max | 481,665 lbs/day | 489,399.96 lbs/day |
| 11/23/2020 | TSS (residue), daily max | 481,665 lbs/day | 577,316.48 lbs/day |
| 11/25/2020 | TSS (residue), daily max | 481,665 lbs/day | 515,959.94 lbs/day |
| 11/30/2020 | TSS (residue), daily max | 481,665 lbs/day | 870,295.68 lbs/day |
| November 2020 | TSS, monthly max | 2,296 mg/L | 3,050.19 mg/L |
| November 2020 | TSS (residue), monthly | 284,980 lbs/day | 424,703.25 lbs/day |
| 12/1/2020 | TSS, daily max | 4,278 mg/L | 5,630 mg/L |
| 12/9/2020 | TSS, daily max | 4,278 mg/L | 5,960 mg/L |
| 12/10/2020 | TSS, daily max | 4,278 mg/L | 4,400 mg/L |

| | | | |
|---------------|--------------------------|-----------------|--------------------|
| 12/25/2020 | TSS, daily max | 4,278 mg/L | 5,250 mg/L |
| December 2020 | TSS, monthly max | 2,296 mg/L | 2,896.84 mg/L |
| 12/1/2020 | TSS (residue), daily max | 481,665 lbs/day | 821,604.59 lbs/day |
| 12/2/2020 | TSS (residue), daily max | 481,665 lbs/day | 624,167.60 lbs/day |
| 12/8/2020 | TSS (residue), daily max | 481,665 lbs/day | 484,962.66 lbs/day |
| 12/9/2020 | TSS (residue), daily max | 481,665 lbs/day | 841,231.11 lbs/day |
| 12/10/2020 | TSS (residue), daily max | 481,665 lbs/day | 662,582.98 lbs/day |
| 12/25/2020 | TSS (residue), daily max | 481,665 lbs/day | 749,555.42 lbs/day |
| 12/29/2020 | TSS (residue), daily max | 481,665 lbs/day | 491,267.70 lbs/day |
| December 2020 | TSS (residue), monthly | 284,980 lbs/day | 412,921.64 lbs/day |
| 1/18/2021 | TSS, daily max | 4,278 mg/L | 5,510 mg/L |
| 1/19/2021 | TSS, daily max | 4,278 mg/L | 4,900 mg/L |
| 1/25/2021 | TSS, daily max | 4,278 mg/L | 4,560 mg/L |
| January 2021 | TSS, monthly max | 2,296 mg/L | 3,032.35 mg/L |
| 1/15/2021 | TSS (residue), daily max | 481,665 lbs/day | 622,279.18 lbs/day |
| 1/18/2021 | TSS (residue), daily max | 481,665 lbs/day | 847,104.98 lbs/day |
| 1/19/2021 | TSS (residue), daily max | 481,665 lbs/day | 729,253.77 lbs/day |
| 1/20/2021 | TSS (residue), daily max | 481,665 lbs/day | 576,646.98 lbs/day |
| 1/25/2021 | TSS (residue), daily max | 481,665 lbs/day | 694,054.80 lbs/day |
| 1/26/2021 | TSS (residue), daily max | 481,665 lbs/day | 525,648.18 lbs/day |
| January 2021 | TSS (residue), monthly | 284,980 lbs/day | 438,645.95 lbs/day |
| 2/5/2021 | TSS, daily max | 4,278 mg/L | 4,820 mg/L |
| 2/8/2021 | TSS, daily max | 4,278 mg/L | 8,680 mg/L |
| 2/9/2021 | TSS, daily max | 4,278 mg/L | 6,130 mg/L |
| 2/10/2021 | TSS, daily max | 4,278 mg/L | 5,370 mg/L |
| 2/11/2021 | TSS, daily max | 4,278 mg/L | 6,580 mg/L |
| 2/16/2021 | TSS, daily max | 4,278 mg/L | 4,700 mg/L |
| 2/18/2021 | TSS, daily max | 4,278 mg/L | 5,220 mg/L |
| 2/22/2021 | TSS, daily max | 4,278 mg/L | 4,340 mg/L |
| 2/24/2021 | TSS, daily max | 4,278 mg/L | 9,120 mg/L |
| February 2021 | TSS, monthly max | 2,296 mg/L | 4,628.70 mg/L |

| | | | |
|---------------|-------------------------------|-----------------|----------------------|
| 2/2/2021 | TSS (residue), daily max | 481,665 lbs/day | 620,076.16 lbs/day |
| 2/5/2021 | TSS (residue), daily max | 481,665 lbs/day | 729,527.82 lbs/day |
| 2/8/2021 | TSS (residue), daily max | 481,665 lbs/day | 1,273,216.43 lbs/day |
| 2/9/2021 | TSS (residue), daily max | 481,665 lbs/day | 849,326.33 lbs/day |
| 2/10/2021 | TSS (residue), daily max | 481,665 lbs/day | 725,574.75 lbs/day |
| 2/11/2021 | TSS (residue), daily max | 481,665 lbs/day | 649,082.93 lbs/day |
| 2/16/2021 | TSS (residue), daily max | 481,665 lbs/day | 678,399.79 lbs/day |
| 2/18/2021 | TSS (residue), daily max | 481,665 lbs/day | 745,533.45 lbs/day |
| 2/22/2021 | TSS (residue), daily max | 481,665 lbs/day | 624,482.69 lbs/day |
| 2/24/2021 | TSS (residue), daily max | 481,665 lbs/day | 1,436,560.33 lbs/day |
| February 2021 | TSS (residue), monthly | 284,980 lbs/day | 674,789.51 lbs/day |
| March 2021 | TSS, monthly max | 2,296 mg/L | 2,533 mg/L |
| 3/1/2021 | TSS, daily max | 4,278 mg/L | 8,510 mg/L |
| March 2021 | TSS (residue), monthly max | 284,980 lbs/day | 349,516.10 lbs/day |
| 3/1/2021 | TSS (residue), daily max | 481,665 lbs/day | 1,112,862.91 lbs/day |
| 11/17/2021 | BOD, daily max | 1,715 mg/L | 2,170 mg/L |
| 12/9/2021 | pH, daily min | >5.0 SU | 4.9 SU |

EXHIBIT 3

| Effluent Benchmarks: East Ditch, West Ditch | | |
|---|---|-------------------------------------|
| East Ditch (Outfall 002A) | | Latitude 46.123552 Longitude |
| West Ditch (Outfall 003A) | | Latitude 46.127806 Longitude |
| Parameter | Average Monthly ^a | Maximum Daily ^b |
| Biochemical Oxygen Demand (5-day) (BOD ₅) | 7.1 milligrams per liter (mg/L) | 20.0 milligrams per liter (mg/L) |
| Settleable Solids (SS) | N/A | 0.1 mL/L |
| Turbidity | 45 NTU | 103 NTU |
| Oil & Grease | 10 mg/L | 15 mg/L |
| Parameter | Average Monthly Minimum ^c | Minimum Daily ^d |
| Dissolved Oxygen | 2.5 mg/L | 1.8 mg/L |
| Parameter | Daily Minimum | Daily Maximum |
| pH | 6.0 standard units | 9.0 standard units |
| a | Average monthly effluent benchmark means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the benchmark, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured. | |
| b | Maximum daily effluent benchmark is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. | |
| c | Average monthly minimum effluent benchmark means the lowest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the benchmark, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured. | |
| d | Minimum daily effluent benchmark is the lowest allowable daily discharge. The daily discharge is the average discharge of a pollutant or parameter measured during a calendar day. | |

NORPAC'S Exceedances of Permit Benchmarks

| Outfall 002A, BOD, Daily Max | | | | |
|-------------------------------------|------------------|----------------------|-----------|---------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 9/16/2019 | 002A | BOD5, daily max | 20 mg/L | 70 mg/L |
| 1/8/2020 | 002A | BOD5, daily max | 20 mg/L | 75 mg/L |
| 9/18/2020 | 002A | BOD5, daily max | 20 mg/L | 38 mg/L |

| Outfall 003A, BOD, Daily Max | | | | |
|-------------------------------------|------------------|----------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 12/20/2019 | 003A | BOD5, daily max | 20 mg/L | 23.7 mg/L |
| 2/14/2020 | 003A | BOD5, daily max | 20 mg/L | 64 mg/L |
| 9/18/2020 | 003A | BOD5, daily max | 20 mg/L | 22 mg/L |

| Outfall 002A, BOD, Average Monthly Max | | | | |
|---|------------------|-----------------------|-----------|------------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| September 2019 | 002A | BOD, avg. monthly max | 7.1 mg/L | 70 mg/L |
| October 2019 | 002A | BOD, avg. monthly max | 7.1 mg/L | 9.9 mg/L |
| November 2019 | 002A | BOD, avg. monthly max | 7.1 mg/L | 14.1 mg/L |
| January 2020 | 002A | BOD, avg. monthly max | 7.1 mg/L | 25.2 mg/L |
| September 2020 | 002A | BOD, avg. monthly max | 7.1 mg/L | 21 mg/L |
| November 2020 | 002A | BOD, avg. monthly max | 7.1 mg/L | 12.05 mg/L |
| May 2021 | 002A | BOD, avg. Monthly max | 7.1 mg/L | 12.9 mg/L |
| October 2021 | 002A | BOD, avg. Monthly max | 7.1 mg/L | 11.5 mg/L |
| December 2021 | 002A | BOD, avg. Monthly max | 7.1 mg/L | 11 mg/L |

| Outfall 003A, BOD, Average Monthly Max | | | | |
|---|------------------|-----------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| December 2019 | 003A | BOD, avg. monthly max | 7.1 mg/L | 23.7 mg/L |
| February 2020 | 003A | BOD, avg. monthly max | 7.1 mg/L | 64 mg/L |
| July 2020 | 003A | BOD, avg. monthly max | 7.1 mg/L | 11.0 mg/L |
| September 2020 | 003A | BOD, avg. monthly max | 7.1 mg/L | 14.5 mg/L |
| March 2021 | 003A | BOD, avg. monthly max | 7.1 mg/L | 10.9 mg/L |

| Outfall 002A, Turbidity, Daily Max | | | | |
|---|------------------|----------------------|-----------|---------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 1/27/2020 | 002A | Turbidity, daily max | 103 NTU | 196 NTU |
| 12/6/2021 | 002A | Turbidity, daily max | 103 NTU | 188 NTU |
| 12/9/2021 | 002A | Turbidity, daily max | 103 NTU | 333 NTU |

| Outfall 003A, Turbidity, Daily Max | | | | |
|---|------------------|----------------------|-----------|----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 9/16/2019 | 003A | Turbidity, daily max | 103 NTU | 129 NTU |
| 10/17/2019 | 003A | Turbidity, daily max | 103 NTU | 143 NTU |
| 12/11/2019 | 003A | Turbidity, daily max | 103 NTU | 119 NTU |
| 1/8/2020 | 003A | Turbidity, daily max | 103 NTU | 447 NTU |
| 1/10/2020 | 003A | Turbidity, daily max | 103 NTU | 225 NTU |
| 1/23/2020 | 003A | Turbidity, daily max | 103 NTU | 358 NTU |
| 2/14/2020 | 003A | Turbidity, daily max | 103 NTU | 3010 NTU |
| 3/6/2020 | 003A | Turbidity, daily max | 103 NTU | 162 NTU |
| 10/13/2020 | 003A | Turbidity, daily max | 103 NTU | 152 NTU |
| 11/10/2020 | 003A | Turbidity, daily max | 103 NTU | 288 NTU |
| 11/17/2020 | 003A | Turbidity, daily max | 103 NTU | 141 NTU |
| 11/30/2020 | 003A | Turbidity, daily max | 103 NTU | 193 NTU |
| 12/11/2020 | 003A | Turbidity, daily max | 103 NTU | 376 NTU |
| 12/17/2020 | 003A | Turbidity, daily max | 103 NTU | 183 NTU |
| 12/21/2020 | 003A | Turbidity, daily max | 103 NTU | 166 NTU |
| 12/30/2020 | 003A | Turbidity, daily max | 103 NTU | 203 NTU |

| | | | | |
|-----------|------|----------------------|---------|---------|
| 1/11/2021 | 003A | Turbidity, daily max | 103 NTU | 242 NTU |
| 1/27/2021 | 003A | Turbidity, daily max | 103 NTU | 180 NTU |
| 2/1/2021 | 003A | Turbidity, daily max | 103 NTU | 180 NTU |
| 2/11/2021 | 003A | Turbidity, daily max | 103 NTU | 333 NTU |
| 2/19/2021 | 003A | Turbidity, daily max | 103 NTU | 186 NTU |

| Outfall 002A, Turbidity, Average Monthly Max | | | | |
|---|------------------|-----------------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| September 2019 | 002A | Turbidity, avg. monthly max | 45 NTU | 53 NTU |
| January 2020 | 002A | Turbidity, avg. monthly max | 45 NTU | 73.4 NTU |
| September 2021 | 002A | Turbidity, avg. monthly max | 45 NTU | 65.4 NTU |
| December 2021 | 002A | Turbidity, avg. monthly max | 45 NTU | 180.4 NTU |

| Outfall 003A, Turbidity, Average Monthly Max | | | | |
|---|------------------|-----------------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| September 2019 | 003A | Turbidity, avg. monthly max | 45 NTU | 129 NTU |
| October 2019 | 003A | Turbidity, avg. monthly max | 45 NTU | 82 NTU |
| November 2019 | 003A | Turbidity, avg. monthly max | 45 NTU | 102 NTU |
| December 2019 | 003A | Turbidity, avg. monthly max | 45 NTU | 101 NTU |
| January 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 269.8 NTU |
| February 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 3010 NTU |
| March 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 81.2 NTU |
| April 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 62.5 NTU |
| October 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 152 NTU |
| November 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 207 NTU |

| | | | | |
|---------------|------|-----------------------------|--------|---------|
| December 2020 | 003A | Turbidity, avg. monthly max | 45 NTU | 232 NTU |
| January 2021 | 003A | Turbidity, avg. monthly max | 45 NTU | 211 NTU |
| February 2021 | 003A | Turbidity, avg. monthly max | 45 NTU | 193 NTU |
| March 2021 | 003A | Turbidity, avg. monthly max | 45 NTU | 60 NTU |

| Outfall 002A, Settleable Solids, Daily | | | | |
|---|------------------|------------------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 9/16/2019 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 10/3/2019 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 10/17/2019 | 002A | Settleable Solids, daily max | 0.1 mL/L | 1.4 mL/L |
| 1/10/2020 | 002A | Settleable Solids, daily max | 0.1 mL/L | 1 mL/L |
| 1/27/2020 | 002A | Settleable Solids, daily max | 0.1 mL/L | 1 mL/L |
| 9/18/2020 | 002A | Settleable Solids, daily max | 0.1 mL/L | 1.3 mL/L |
| 11/30/2020 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.4 mL/L |
| 2/22/2021 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.3 mL/L |
| 9/28/2021 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 11/15/2021 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.3 mL/L |
| 12/9/2021 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.35 mL/L |
| 1/6/2022 | 002A | Settleable Solids, daily max | 0.1 mL/L | 0.25 mL/L |

| Outfall 003A, Settleable Solids, Daily | | | | |
|---|------------------|------------------------------|-----------|----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 1/27/2020 | 003A | Settleable Solids, daily max | 0.1 mL/L | 1.8 mL/L |
| 11/17/2020 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 12/11/2020 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 1/27/2021 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.5 mL/L |
| 2/1/2021 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.3 mL/L |
| 2/19/2021 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.2 mL/L |
| 3/5/2021 | 003A | Settleable Solids, daily max | 0.1 mL/L | 0.6 mL/L |

| Outfalls 002A or 003A, Miscellaneous Exceedances | | | | |
|---|------------------|-------------------------------|-----------|-----------|
| Monitoring Period | Monitoring Point | Parameter, Frequency | Benchmark | Result |
| 1/10/2020 | 003A | pH, daily min. | 6.0 SU | 5.89 SU |
| 9/18/2020 | 002A | Dissolved Oxygen, daily min | 1.8 mg/L | 1.0 mg/L |
| 11/30/2020 | 002A | Oil & Grease, daily maximum | 15 mg/L | 31.1 mg/L |
| November 2020 | 002A | Oil & Grease, monthly average | 10 mg/L | 17.7 mg/L |

EXHIBIT 4

| NORPAC's Failure to Monitor Violations | | |
|--|---------------|---|
| Monitoring Period | Outfall(s) | Parameter / Monitoring Frequency |
| September 2019 | 002A and 003A | Klebsiella, monthly |
| Week of 10/27/19 – 11/2/19 | 001A | TSS, 3/week (only 1 collected) |
| Week of 12/22/19 – 12/28/19 | 002A and 003A | BOD weekly, Turbidity weekly, settleable solids |
| February 2020 | 003A | Fecal C., monthly |
| February 2020 | 003A | Klebsiella, monthly |
| February 2020 | 003A | E. Coli, monthly |
| July 2020 | 003A | Klebsiella, monthly |
| July 2020 | 003A | E. Coli, monthly |
| July 2020 | 003A | Fecal C., monthly |
| March 2021 | 003A | Klebsiella, monthly |
| 9/10/2021 – 9/19/2021 | 001A | Temperature, continuous |
| December 2021 | 002A and 003A | Klebsiella, monthly |